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The subject of intervention : a theoretical analysis with reference to international relations after the Cold War

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DEPARTMENT OF WAR STUDIES

KING'S COLLEGE, LONDON

**THE SUBJECT OF INTERVENTION: A THEORETICAL ANALYSIS WITH
REFERENCE TO INTERNATIONAL RELATIONS AFTER THE COLD WAR**

A Ph.D. THESIS SUBMITTED TO THE UNIVERSITY OF LONDON

BY

SHANE BENJAMIN BRIGHTON

DECEMBER 2003



For Lorna Healy
1971-2002
and
Charlie Gerrard
1981-2003
Adieu

Abstract:

This thesis offers a theoretical analysis of the idea and practice of intervention with reference to the ‘new interventionism’ that followed the Cold War. While intervention in this period has been widely discussed as a reproblematisation of international peace and security — and state sovereignty in particular — the thesis suggests ways in which it can be equally understood as a reproblematisation of political and ethical subjectivity. Using but departing from Cynthia Weber’s analysis of the ‘sovereignty/intervention boundary’, the opening chapter examines the marginal position of intervention in the canonical texts of IR theory. The next two chapters consider intervention as a moral problem, considering the degree to which central debates on intervention ethics assume, but rarely fully recognise or develop an account of the subject’s centrality. David Campbell’s work is considered as a partial corrective to this, his use of Emmanuel Levinas to ground a ‘deconstructive’ orientation to intervention is critiqued through a reconsideration of the relation between ethics and politics in Levinas’s work. The two final chapters consider the subject in reference to political contention over governance and state relations in global context and ‘the globalization of law’. Using Foucault’s work, they present intervention as a site of ‘subjectivisation’ and suggest intervention can be understood as a subjective complex, a constitutive circuit between interveners and targets, and an expropriative codification of war.

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'The third party is other than the neighbour but also an other neighbour, and also a neighbour of the other, and not simply their fellow. What am I to do? What have they already done to one another? Who passes before the other in my responsibility? What, then, are the other and the third party with respect to one another? Birth of the question.'

(Emmanuel Levinas, 'Peace and Proximity', p. 168).

'The carceral network does not cast the unassimilable into a confused hell; there is no outside. It takes back with one hand what it seems to exclude with the other. It saves everything including what it punishes. It is unwilling to waste even what it has decided to disqualify.'

(Michel Foucault, *Discipline and Punish*, p. 301).

INTRODUCTION: THE SUBJECT OF INTERVENTION.

The ‘new interventionism’ that followed the end of the Cold War has generated a vast amount of literature. The range of this writing has been extraordinary, touching upon everything from the use of military technology to the meanings of sovereignty, democracy, humanity, justice and historical change. It has engaged statehood, law and governance in ways that invoke fundamental questions concerning the nature of war, the rights and responsibilities of strangers and the pursuit of World Order. Writers on intervention have constructed argument from multiple case studies, organisational and regional analyses, political theorising and philosophical discussion of moral principle. Lawyers have contested how threats to international peace and security should be defined, states’ obligations to intervene in each other’s affairs and their rights to freedom from outside interference. International Relations (IR) specialists have sought to analyse theoretical and practical dimensions of intervention from an array of conceptual approaches to the international. Scholars of international history have attempted to periodise conventions governing intervention and non-intervention in accordance with the changing structure of international systems. Political leaders, meanwhile, have drawn upon all of the above to argue for and against intervention. With this range of reference and invocation of global stakes intervention discourse has become a nodal point at which fundamental questions of power, value and identity have come together in a unique fashion. While in the decade following the fall of the USSR, Western political culture centred upon cool, ‘post-ideological’ politics and an array of ‘endisms’, international intervention became an issue — perhaps second only to ‘globalization’ — through which new political divisions emerged and old ones came to be restated.

The 'New Interventionism': Democratic Peace, Liberal Governance and the Pursuit of Global Transformation.

For many, the interventionism of the 1990s was closely associated with a politics of hope: a progressive path along which a Western 'we' might lead so that the social and political goods of liberal democracy might be realised globally. By the mid-1990s, a number of variously autonomous commissions and think tanks had sought to identify the central conceptual and doctrinal pillars in the production of liberal peace. Opinion converged around three — institutions, force and legitimacy — as the constitutive basis of the new order.¹ The UN, something of a bit-part actor during the Cold War, was now to become the central institution of global governance. Its role would be to ensure confidence and stability in security matters through the promotion of transparency, multilateral cooperation, provision of peacekeepers and the monitoring of agreements. It would further civil cooperation through the provision a neutral forum for the expression of interest and coordination of policy. In a sense then, President George Bush Senior's 'New World Order' was actually to be the order envisaged by the victorious powers of 1945: a world of nations united most fundamentally by the collective security ideal. A world in which, in the face of a collective response, no aggressor could enjoy the fruits of victory.

As the vehicle for modernisation in international affairs, the UN's legal basis would become a central mechanism of progress. Enforcement of and adherence to UN law would provide the basis of international peace and security — national interest and the moral logics of human rights marrying to provide legitimacy and improve the 'moral character

¹ See, for example, Boutros Boutros-Ghali, *An Agenda for Peace* (New York: United Nations, 1995). Commission on Global Governance, *Our Global Neighbourhood* (New York: Oxford University Press, 1995). Gareth Evans, *Cooperating for Peace* (St Leonards, Australia: Unwin and Hyman, 1993). Report of the Independent Working Group on the Future of the United Nations, *The United Nations in Its Second Half-Century* (New York: Ford Foundation, 1995). For an extended review of the above contrasting neorealist and

and material welfare of humankind'.² Those finding this neutrality less than credible, or the UN's political orientation problematic, would find the new order all but unavoidable. The institution itself would thus prove a powerful source of advocacy for liberal economy and values while, in any event, adherence to its norms would prove an essential condition of any effective pursuit of interest.

This optimistic advocacy of liberal institutionalism followed the Gulf War of 1991, where quick success for the UN mandated alliance against Iraq was taken to vindicate the collective security ideal and the possibility of a liberal peace to come by many of those seeking to shape the new order. In particular, the intervention into Northern Iraq to provide relief to fleeing Kurds immediately following the war seemed to provide a new, specifically humanitarian precedent. Precedents set by events in Somalia, the Balkans and the Great Lakes region of Africa however, were to be a little less clear cut. While Iraq's annexation of Kuwait had constituted a breach of international law of the type the UN had been originally conceived to deal with, new conflicts elsewhere proved embarrassingly intransigent, both conceptually and practically. The Bush regime's intervention in Somalia was disastrous in all respects; it failed militarily, as a relief effort and in its legacy: undermining the Western public enthusiasm that might have allowed timely and effective intervention in Rwanda. While the remoteness of Africa and apparent otherness of African conflict appeared to militate against the desirability of Western led intervention there, so the outbreak of conflict in Yugoslavia and the former Soviet Union placed war both within

neoliberal interpretations of the New World Order see Michael N. Barnett, 'Bringing in the New World Order: Liberalism, Legitimacy and the United Nations', *World Politics*, No. 49 (July 1997).

² Mark Zacher and Richard Matthews, 'Liberal International Theory: Common Threads, Divergent Strands', in C. Kegley (ed.), *Controversies in International Relations Theory: Realism and the Neo-Liberal Challenge*, (New York: St Martin's Press, 1995), p. 110. Discussed in Barnett, 'Bringing in the New World Order', p.

Europe and at its periphery. Conflicts increased in number globally while Europe, for a time, again became one of the world's most violent regions.³

Supported and encouraged by Western governments, the response of senior UN officials to this increasingly challenging environment was a radical shift in the interpretative basis for threats to international peace and security. In *An Agenda for Peace* and elsewhere Secretary-General Boutros Boutros-Ghali confirmed the centrality of domestic arrangements: '[T]here is an obvious connection between democratic practices — such as the rule of law and transparency in decision making — and the achievement of true peace and security in any new and stable order'.⁴ A central consequence of this connection was to shift the locus of concern regarding international peace and security out of the international arena and into the domestic affairs of states. Central to the nature of this shift was the democratic peace thesis — the idea that democracies are, amongst themselves, inherently less warlike than other types of states, and that domestic democracy is therefore the best guarantee of international peace. Rather than a function of relations between states, for Boutros-Ghali and others, threats to international peace and security could, indeed should, now be interpreted as emitting from *within* them. An altogether more interventionary attitude, the emphasis on 'achievement of true peace', affirmed the faith of liberal elites in the transitionary potential of the new interventionism while seeking to establish democracy as the basis of international legitimacy.⁵ For those forwarding new moral, legal and institutional orientations in global governance, each has been intended as a

533.

³ For comparative analysis of new conflict and regional stability 1989-1995, see Dan Smith 'Europe's Suspended Conflicts' in *WarReport: Bulletin of the Institute for War and Peace Reporting*, No. 58, February 1998.

⁴ See also Boutros Boutros-Ghali, 'Democracy: A Newly Recognised Imperative', *Global Governance*, No.

progressive increment toward “a new humanitarian order in which governments are held — by force, if necessary — to higher standards of respect for human life”.⁶

Pursuit of this goal has gone well beyond being an attempt to influence normative sensibility and concerned itself with the constitutive foundations of international order. The shift in practice had already been realised when the Gulf War coalition partners provided ‘safe havens’ and relief supplies to the Kurds after their failed uprising in Northern Iraq: the UN Security Council having passed Resolution 688, authorising intervention into Iraqi sovereign territory without the regime’s permission and without a direct military threat to international peace and security beyond Iraq’s borders.⁷ While the Secretary-General eventually sought a diplomatic ‘understanding’ with the Iraqi regime, problems previously defined in terms of domestic jurisdiction had been brought significantly within the purview of international governance.⁸ This fundamental shift became overt doctrine when, in January 1992 the Heads of Government and State of the UN Security Council declared that:

‘The absence of war and military conflict amongst states does not in itself ensure international peace and security. The non-military sources of instability in the economic, social, humanitarian and ecological fields have become threats to peace and security.’⁹

1, (Winter 1995) and *Agenda for Democratisation* (New York: UN Publications, 1996).

⁵ Barnett, ‘Bringing in the New World Order’, p. 536-7.

⁶ From Francis M. Deng and Larry Minear, *The Challenges of Famine Relief: Emergency Operations in the Sudan* (Washington DC: Brookings Institution, 1992). Quoted in Stephen John Stedman ‘The New Interventionists’, *Foreign Affairs*, Vol. 72, No 1. (1993), p. 3.

⁷ Gene M. Lyons and Michael Mastanduno in ‘Introduction: International Intervention, State Sovereignty, and the Future of International Society’ in Gene M. Lyons and Michael Mastanduno (eds.), *Beyond Westphalia? State Sovereignty and International Intervention* (Baltimore: Johns Hopkins University Press, 1995), p.15. For UN Security Council Resolution 688 see <http://www.un.org/docs/scres/1991/688e.pdf>

⁸ James Gow ‘Nations, States and Sovereignty’, in Christopher Dandeker (ed.) *Nationalism and Violence* (New Brunswick, NJ: Transaction Press, 1998), pp. 192-195.

⁹ UN Doc. S/23500, 1992. Quoted in Gow ‘Nations, States and Sovereignty’ p. 192.

Against the more traditional and essentially consensual framework of peacekeeping, the new interventionism also required a move to a ‘peace-enforcement’ stance through which post-conflict reconstruction would be realised. The Bosnian war concluded with the creation of an internationally administered polity, the terms of which being realised in no small part by NATO militarily ‘freezing’ the fighting when the combatant’s territorial gains appeared appropriate to a settlement. Later, NATO’s intervention in Kosovo was to follow a similar path to the Bosnian endgame: both in the use of air power to conclude the conflict and the establishment of an, in effect, externally administered statehood as a prelude to governmental reconstruction. This linkage between peace enforcement and externally administered state building radically re-oriented the limitations by which intervention had previously been defined.¹⁰ No longer an effort to restore an internal political dynamic, intervention had become a central strategy for a global reordering in which the target state would be incorporated. The notion of an ‘exit strategy’ for the Western powers in the Balkans became a moot point almost immediately — its obscurity tied to that of the intervention-as-global-transition thesis itself.¹¹ Many interventions have thus required long-term state building and policing commitments. The institutional core of the new order meanwhile, displayed a striking continuity with the central organs of the old; the sovereign

¹⁰ For an example of intervention defined specifically by limitation see Urs Schwarz ‘Intervention: The Historical Development II’ In Louis G. Jaquet (ed.), *Intervention in International Politics* (The Hague: Martinus Nijhoff, 1971), pp. 29-39. See also Schwarz’s *Confrontation and Intervention in the Modern World* (New York: Oceana, 1970), Ch V.

¹¹ Bernard Kouchner, Head of the United Nations Mission in Kosovo (UNMIK), stated the linkage between interventionary practice, regional order and global governance succinctly: the ‘evolution of Kosovo’, he argued, is indivisible from that of the [Balkan] region and ‘the progress of the World’. Kouchner continued by stating the means to this progress — at least in for that stage of UNMIK — to be ‘forcing people not to kill each other’. Interview with John Humphreys on ‘The World at One’, BBC Radio 4, June 11, 2000. For a study of Kouchner, his founding role within *Médecins Sans Frontières* and the effect of the idea of ‘*le droit d’ingérence*’ on the new interventionism see Tim Allen and David Styan ‘A Right to Interfere? Bernard Kouchner and the New Humanitarianism’, *Journal of International Development*, No. 12 (2000), pp. 825-842.

state, transnational institutions and international civil society have stayed on while — as the analysis below suggests — significantly transformed by the changing political terrain around them. NATO, liberal internationalism's principle security organ throughout the Cold War has, for example, not simply retained but expanded and deployed the massive preponderance of military force still available to it while redefining itself from a collective defence organisation to a UN sub-contractor and global agent of collective security.

Sovereignty, Subjectivity, Intervention.

The effort for structural transformation repeatedly centred upon the foundational concept of international order — sovereignty. Throughout the post-Cold War turn in international relations and even at the zenith of its supposed undermining, the idea of sovereignty retained a discursive centrality. The reconceptualisation of sovereignty has nonetheless been radical; in place of the Westphalian construction of 'a tool for creating international order', sovereignty frequently came to be seen as 'a "political constraint" on international action'.¹² Thus, in place of the autonomous space of political community, the utility of sovereign statehood comes to be evaluated through that part of it given over to and worked out in terms of a universal space of global governance. The redefinition of this concept of sovereignty sought legitimation from association with a body of law 'married to', even indistinguishable from, ethical categories. In this sense, a transformed ethic of intervention shifted uneasily between being both the ends and means of The New World Order: evidence that it had both arrived and that it represented a final interventionary interregnum prior to a more benign, post-political peace. While frequently conducted in reference to historic precedent, intervention discourse thus began to resemble a futures exchange: a field

of speculation coupling risk assessment and the creation of fresh markets for the export of ethical and political sensibility as well as economic co-operation.

The importance of these changes, however — the extent to which they have acted as the conceptual apparatus of the new interventionism — derives from the manner in which they have driven and reflected wider processes of political and structural change in world politics. The question as to how this change might be understood, how it has borne upon and been realised through the interplay of ideas and practices — discourses — of intervention, forms the broad orientation for this thesis. More specifically, the work below attempts to establish and explore a particular critical and speculative comportment towards intervention in the post-Cold War world. While this has proved an ambitious and frequently expansive task, the basic hypothesis can be stated succinctly: that, while post-Cold War intervention has been widely discussed in terms of a reproblematisation of the logics of international peace and security (and state sovereignty in particular), it has equally entailed *and operated through* a reproblematisation of ethical and political subjectivity. Indeed, amid these formidable ‘complex emergencies’ — interlinked social, economic and political disintegration in the Balkans, Caucasus and Africa in particular — interpretations, judgements and predictions of subjective needs, dispositions, resistances and antagonisms have arguably been the consistent problematic for those seeking to intervene. Quite aside from the formal sense in which an interventionary reordering of sovereignty entails — simply by extension — some new consideration of subjectivity then, is the question as to how ideas of the subject have driven and formed that reordering and how subjective responses have played back against and into the multiple and complex processes through

¹² Ibid.

which intervention has come to operate. This field of questioning, which takes place against the backdrop of globality and totality, is that referred to here as ‘the subject of intervention’.

The manner in which this line of questioning entails ideas of *totality* emerges, initially as a formal necessity, through attention to Emmanuel Levinas’s work. This necessity is explored in some depth below, and permits analytical attention to an always incomplete or unsatisfactory thematisation — conceptual delimitation — of the ‘Other’ as subject. Given our concern with a contemporary totality, a particular play of power which must be described, this attention to the formal necessity and structure of subjectivisation *and its incompleteness* serves to orient and inform questions about ‘new intervention’ as a specific site or configuration. How might intervention be described as subjectivisation, as a subjectivising encounter with totality? The latter part of this thesis thus attends, aided by Michel Foucault’s work, to the always particular strategic antagonisms into (and as) which intervention and subjectivisation are realised. The focus becomes those antagonisms as sites in which totality is manifest as, and in relation to, globality.¹³ Ideas of globality thus stand as idiomatic, particular invocations of totality repeatedly realised in many of the subjectivising processes involved in the new intervention. In conclusion, the thesis calls into question the idea of subjectivisation itself in the context of intervention. Instead, an idea of intersubjectivisation is offered, which recasts the interventionary relationship as one entailing a constitutive circuit: a relation of mutuality resisting any unidirectional account of interventionary power and opening the question of intervention’s constitutive effect for the intervener.

¹³ I take the term and its meaning from Martin Shaw’s *Theory of the Global State: Globality as an Unfinished*

The above outlines the formal or theoretical path of the thesis, which is its primary orientation. It is hoped, however, that this orientation makes possible an interpretative comportment towards a more concrete and specific kind of enquiry. There is no ‘case-by-case’ or ‘area specific’ account of the new intervention offered below, although in some places speculation is offered as to how one might proceed. This necessary moment of delimitation raises the question of further research addressed toward the end of the thesis. It also requires consideration of the continuing salience of an approach worked out in reference to a political imaginary centred — rhetorically at least — upon ideas of humanitarian global governance: a disposition profoundly altered by the attacks of September 11th 2001.

At the time of writing, a little over two years on from the destruction of the World Trade Centre, the now almost quaint-sounding problematics of third-party intervention into humanitarian crisis and civil wars have been displaced by the need to contain and defeat an ‘axis of evil’ operating through dispersed networks of terror. Western foreign and defence policy has been implicitly reoriented from the need to ‘be a force for good in the world’ to — if necessary — *tous-azimuth* warfighting, from the management of humanitarian emergencies to the expeditionary interdiction of emergent threats with ‘the overall goal’ of eliminating terrorism as ‘a force for change in international affairs’.¹⁴ The apparent ‘revolutions from outside’ that were the policing of Bosnia and Kosovo into democratic and humane governance have been replaced by the need to counter what in some respects

Revolution (Cambridge: Cambridge University Press, 2000).

¹⁴ See the Public Discussion Paper for the Ministry of Defence’s *Strategic Defence Review: A New Chapter* (London: HMSO, 2001), p. 3. The wording is ambiguous, repeating the SDR’s commitment to acting as ‘a force for good’ in a summary of its main features, while stating that some of these priorities are subject to revision in the context of ‘the war against terror’.

appears as a global ‘war from below.’

The effect of this upon the ideas and practices of international order sought during the 1990s is not yet clear. At the UN, questions as to the organisation’s future have been asked from the Secretary General’s office downwards. The forensic strategies of governance that, for the sake of truth and reconciliation, sought to trace those responsible for genocide in Rwanda and the Balkans have been forced to adapt. The focus has shifted from subjects defined through a legally demonstrable culpability for specific crimes to those whose ‘truth’ resides in association with networks and cells. The globally televised and transparent juridical space of the Hague tribunal has arguably been eclipsed by the opaque but equally — if differently — law governed ‘black box’ of Guantanamo Bay. Open cross-examination has given way to closed, intelligence driven interrogation. The differentiation between law as juridical power which, in Foucault’s words ‘refers to the sword’, and law as a regulating strategy of governance explored below perhaps offer some purchase upon this distinction. Perhaps more fundamentally, the deep structural assumptions underpinning the ‘them there’ and ‘us here’ subjective typologies assumed in many ideas of intervention have been profoundly problematised by the subjective figure of the deterritorialized, networked attacker. Willing to die in their own attack, they have become associated with a (one can only assume deliberate) re-politicisation or political recasting of targeted populations. Paradoxically, the Western ‘we’ have become subject to a form of interventionary violence.

While the security agenda has been transformed, the basic framework offered below — that if an interventionary effort liable to misfire or miscalculate in its projected strategy of subjectivisation — does not seem an inappropriate optic with which to view recent

events. The invasion of Iraq appears to have been premised upon a range of flawed assumptions about the likelihood of serious resistance following regime change: a state of affairs attested to not least by the US administration's recent, massive, budgetary reappraisal. The contradictions inherent to that described below as the 'pastoral-military nexus' may also afford some conceptual purchase on the difficulties faced by those seeking to, at the same time, both pacify and administer Iraq. At this level of generality then, it is hoped the work below may offer something in a world changed (or at the very least a world in which US perceptions have been changed) by the September 11th attacks.

Indeed, through attending to the idea of intervention in the International Relations (IR) literature, the first chapter seeks to position the subject of intervention in a broader historical context. The approach is that of a counter-traditional reading which both refers to and departs from Cynthia Weber's argument in *Simulating Sovereignty*. Its approach is less concerned with the specialist 'intervention literature' than the apparent absence of intervention from the canonical texts of IR theory, whose conceptual focus is sovereignty. This chapter seeks to position the departure of the thesis with regard to some the IR tradition's central texts and introduce the idea of intervention as a constitutive act.

Chapters 2 and 3 are concerned with how intervention has been debated as an ethical or moral problem. Chapter 2 looks at approaches to intervention deriving from argument about the moral status of political community. It also introduces the question of the subject, first in reference to communitarian and liberal theories of community and then with an account of Emmanuel Levinas's work, which problematises any determinate or final account of the subject. Chapter 3 critically engages the work of a contemporary Levinasian, David Campbell, on intervention and Western involvement in the Bosnian War.

In particular, it raises questions about the relationship between territory and democracy and the manner in which Campbell's deconstructive politics — while mindful of ethics in Levinas's sense — appears to require the same kind of violence it sets out to avoid. Rather than presenting it as a failing on Campbell's part, this necessity is taken to be significantly instructive in conceptualising the subject of intervention. The chapter concludes that this violence was something of which Levinas was well aware, such that his contribution to political analysis is arguably rather different from that attributed to it by many commentators while, further, requiring us to attend closely to the particular strategies by which others are made and re-made as subjects.

The next two chapters, 4 and 5, focus upon the subject of intervention in global political context. Chapter 4 begins by speculating about the manner in which Michel Foucault's work might supplement that of Levinas and further attune us to the always specific fields in which subjectivisation is realised. His insistence that these are sites of antagonism and resistance informs the approach to global politics which follows: a survey of academic and popular accounts of the politics of 'globalization'. Globalization discourse is found to manifest itself in concrete and particular subjective dispositions towards both global and local politics: a situation in which, while associated with ideas of human 'commonality', the idea of globalization and its effects are not 'common'. The chapter then considers how the global can be considered a totalizing horizon-concept for modern political subjectivity and suggests the subject of intervention is a site in which the idea of the global is being significantly re-worked. The fifth chapter attends to a broad array of globalizing legal processes — from corporate self-regulation initiatives to the reorientation of the legal structure of state sovereignty — and the nature of state relations after the Cold

War. Sociological theories of ‘juridification’ are introduced as a means to highlight how law, and specifically the legal basis of intervention, can be understood as a ‘political expropriation of conflict.’ The idea of the globality is presented and expanded upon in reference to Martin Shaw’s work. In particular, his account of the remaking of state relations after the Cold War permits further discussion of how intervention is a site in which relations of globality are realised. This provides the basis from which to discuss intervention as a subjective complex in which new assemblages of subject positions are realised, to introduce the idea of the military-pastoral nexus through which the new interventionism has sought to proceed and, finally, to consider intervention as a subjective effect which realises itself as a constitutive circuit. The conclusion of the thesis reviews its main themes and considers how its conclusions bear on the idea of the subject of contemporary politics, on intervention as a codification of war and how this work might provide an orientation for future research.

CHAPTER 1: SOVEREIGNTY AND INTERVENTION IN INTERNATIONAL RELATIONS.

Introduction.

In a frequently cited essay, Stanley Hoffmann observed that ‘a general presentation on the subject of intervention is likely to contain little that is original and to consist only of an endless series of classifications’. The reason for this, he continued, is very simple: ‘[...] the subject is practically the same as that of international politics from the beginning of time to the present.’¹ The piece is short and the remark passed over quickly, yet it serves to highlight some issues of definition from which an engagement with the subject of intervention might begin. That intervention and the history of international politics are ‘practically the same’ suggests both the centrality of intervention to that history and its utility as a means to understand it. Analysing intervention makes the historic dynamic of international politics available. To grasp either from any point within their concurrent, intimately related stories is to grasp both comprehensively and simultaneously for all time since, it might be supposed both are matters of a general and recurrent relationality amongst political units. Later, identifying the reasons that intervention occurs, Hoffmann makes this rather more explicit:

‘[...] the purpose of intervention is the same as that of all other forms of foreign policy; it is to make you do what I want you to do, whether or not you wish to do it’.²

This association with the fundamental character of international politics recurs in the literature in a way perhaps captured most neatly in Urs Schwartz’s observation that the term

¹ Stanley Hoffmann, ‘The Problem of Intervention’ in Hedley Bull (ed.), *Intervention in World Politics* (Oxford: Clarendon, 1984), p. 7. The passage is discussed by, for example Richard Little in ‘Recent Literature on Intervention and Non-Intervention’ in Ian Forbes and Mark Hoffman (eds.), *Political Theory, International Relations, and the Ethics of Intervention* (New York: St Martin’s Press, 1993), p. 15, and by Cynthia Weber in *Simulating Sovereignty: Intervention, The State and Symbolic Exchange* (Cambridge:

‘intervention’ might refer to any exercise of power.³ It is a view suggestive of the ‘timeless’ insight offered by realist theories of international politics. Here, the political world consists in an array of ‘units’ subject to a systemic logic of anarchy, whose historic formulations and patterns of dispersal may vary over time, but whose basic comportment towards one another — interventionist, power-driven, self-interested — does not. It contains an intimation that the principle of non-intervention, generally understood to be the logical corollary of sovereignty and the customary currency of mutual recognition amongst sovereigns, is and always has been, something contingent and less than substantial. The history of international politics then, is forever a site of manifold and continuous intervention, of such political proximity that Talleyrand’s dictum that ‘intervention and non-intervention are the same thing’ forever holds true. These are ideas that will be returned to below. For now though it might be noted that taking intervention as the locus of a transhistoric dynamic of this sort attests both to its centrality for, and to its apparently unproblematic incorporation within, international relations (IR) literature. A literature that, as Rob Walker points out, provides:

‘[...] perhaps the most significant discourse of eternity in modern political life [...] [one] prone to various manifestations of the claim that the basic realities and necessities of relations between states conform to a few unchanging rules’.⁴

While notions of systemically recurrent relations among units and self-interested foreign policy may appear familiar, the invocation of intervention rather than sovereignty as the norm of international life is more unusual. Consider, for example, the definition of

Cambridge University Press, 1995), p. 17.

² Hoffmann, ‘The Problem of Intervention’, p. 7.

³ Urs Schwarz, *Confrontation and Intervention in the Modern World* (New York: Oceana, 1970), p. 84.

⁴ R.B. J. Walker, ‘International Relations and the Concept of the Political’ in Ken Booth and Steve Smith

intervention offered by John Vincent, whose work on the principle of non-intervention remains central among conventional treatments. Intervention he writes, is that activity undertaken by:

‘[...] a state, a group within a state, a group of states or an international organ which interferes coercively within the internal affairs of another state. It is a discreet event having a beginning and an end, and it is aimed at the authority structure of the target state. It is not necessarily lawful or unlawful, but it does break a conventional pattern of international relations.’⁵

The view that intervention marks a break from the ‘conventional pattern’ of international relations informs the bulk of the literature surveyed in this chapter, which engages the contending views of that ‘pattern’ offered in some of IR theory’s core texts. Significantly, this is not a literature explicitly or in the first instance concerned with intervention but rather with that of sovereignty and the relations that arise amongst sovereigns. It is in these works that intervention’s place in international political discourse and the structural conditions that determine how it is understood are sought below. The conceptual opposition between sovereignty and intervention — the starting point for Cynthia Weber’s analysis (considered in detail towards the end of the chapter) — emerges here as a recurrent act of demotion. Intervention appears as a secondary phenomenon: an effect of and a departure from the norm of sovereign statehood. Even Hoffmann, who, as we have seen, takes its historic centrality as a starting point, defines intervention as ‘a problem’, a troubling departure from the ‘norm’ of a plurality of independent sovereign states. It is this conceptual demotion which all but removes intervention from the working out of ‘First Principles’ amongst IR theorists and counterposes it to the pregiven norm of the sovereign

(eds.) *International Relations Theory Today* (Oxford: Polity, 1997), pp. 314-315.

⁵ R. J. Vincent, *Nonintervention and International Order* (Princeton: Princeton University Press, 1974), p.13.

state. The effect is an analytical tension that this chapter begins to address. Sovereignty, as the principle of unity whereby the unit of analysis can be assumed, requires the exteriority of its counterparts. As a formal principle, it invokes separateness. As an operational principle, sovereignty is that of the uncommanded commander: the principle of the one who has subjects but is not subject. That which is sovereign is not the subject of intervention: yet intervention is precisely the *subjection of sovereignty*. It marks, within the state-centred tradition of IR theory, a simultaneous affirmation and negation of the sovereignty of the ‘target-state’.

Deriving the formal character of intervention from the logics of sovereignty as they emerge in IR theory rather than ‘the intervention literature’ raises a number of questions about the approach taken to both. Cynthia Weber’s work foregrounds the discursive constitution of the ‘sovereignty/intervention boundary’, the intimate linkage between them whereby the same ‘history’ may apparently be written through both. Taking Weber’s argument seriously however, also suggests the importance of the opposite inference: that the writing of the sovereign state in the ‘classics’ of IR theory suggests an idea or ideas of intervention. These ideas are arguably as indicative and fundamental for drawing out its discursive place and structure as the type of ‘conventional’ analyses of the subject offered by, for example, Rosenau, Vincent or Little. Attending to representations of sovereignty, then, permits a distinctive, if preliminary account of intervention as a term of political discourse and provides in part the basis for critical approaches developed in later chapters.

This analytical strategy has implications beyond the theoretical. While sovereignty and intervention may be presented as equivalent terms theoretically, their historical-discursive function — their being made operational in the articulation and exercise of

power — has for the most part been structured in quite another way. Rather than serving as a conceptual opposite to intervention, the principle of state sovereignty has been, to quote Walker again: ‘the crucial modern political articulation of all spatiotemporal relations [...]’.⁶ Intervention’s status as an exception — an interruption of the temporal continuity and spatial inviolability of sovereignty as the organising principle of political life — is neatly captured in the legalistically derived definition Hedley Bull offered:

‘[...] dictatorial or coercive interference, by an outside party or parties, in the sphere of jurisdiction of a sovereign state, or more broadly of an independent political community’.⁷

Replacing the traditional demotion of intervention with its conceptual equivalence, then, misses the manner in which intervention serves as a subaltern term. This is a status that, it is suggested below, after 1990 comes to be central to its association with an emancipatory global ordering.

Noting the relation between the conceptual constitution of intervention and its deployment as a political term-of-art raises another informing issue for this analysis: the distinction between declaratory intervention discourse and other, undeclared or differently declared projections of power and influence. This yields significant questions regarding first, the periodisation of post- Cold War international politics as an ‘era of intervention’ and the preceding global order, which equally functioned through (frequently covert) interventions as the superpowers competed for spheres of influence globally. Second, identifying and distinguishing a declaratory discourse of intervention raises the manner in

⁶ R. B. J. Walker *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press, 1993), p.6.

⁷ Hedley Bull (ed.), *Intervention in World Politics* (Oxford: Clarendon Press, 1984), p. 1.

which the term serves as a codification of war — an issue addressed in later chapters. Here, however, the focus is on the theoretical discourse of sovereign statehood in IR theory. The primacy of sovereignty that emerges both informs the declaratory politics of intervention and provides the analytical assumption, the conceptual conditions of possibility, for all but a few theoretical discussions of intervention in world politics.

1.1. International Relations, Sovereignty and the Territorialisation of Politics.

As the study of ‘human beings in their largest social groups’ International Relations finds itself suspended between the comparatively recent event of its intellectual and academic independence and a dispersed, fragmented historical archive.⁸ The perennial conceptual concerns of the discipline, however — the ‘actor’ or ‘unit of analysis’ question and that of the fundamental nature of ‘relations’ between actors — refer almost entirely to the modern system of sovereign states. The central theoretical assumption for IR, that which has assured its institutional independence, is that the actors and relations that constitute this system are of a sufficient regularity that a general theory might be offered. The ‘international’ is assumed to be an object of analysis not only usefully regarded as different from those of other social and political theory, but also distinct from them in fact.

⁸ Gwynne Dyer points out that some of the earliest recorded textual fragments concern war between Assyrian city-states, Gwynne Dyer, *War* (London: Guild Publishing, 1996), p. 15. Viotti and Kauppi argue that IR theory begins with Thucydides’ *History of the Peloponnesian War* and also make reference to ancient Hindu texts, Paul R. Viotti and Mark V. Kauppi, *International Relations Theory: Realism, Pluralism, Globalism* (New York: Macmillan, 1990), p.34/n67. Historians of the discipline differ: Olson and Groom devote a chapter to the importance of ancient antecedents, including Pharaonic literature, William C. Olson and A. J. R. Groom, *International Relations Then and Now: Origins and Trends in Interpretation* (London: HarperCollins, 1991), Ch. 1. Knutsen argues that there is little serious continuity between these ancient literary sources and modern IR theory: Torbjorn L. Knutsen, *A History of International Relations Theory* 2nd Edition (Manchester: Manchester University Press, 1997), p. 11. Martin Wight famously observed that International Theory was non-existent in the sense that it was a tradition without ‘classic’ texts. Martin Wight, ‘Why is there no International Theory?’ in Martin Wight and Herbert Butterfield (eds.) *Diplomatic Investigations: Essays in the Theory of International Politics* (London: George Allen and Unwin, 1966), pp. 17-34.

For the dominant conceptual paradigms within IR, the distinctness of international order and the elements of political modernity associated with it have been significantly inarticulable without reference to the terms and effects of the 1648 Peace of Westphalia. Westphalia and its associated concepts recur both as heuristic strategies and as an historic narrative to enable and limit IR thinking. As we shall see, its centrality as a decisive systemic shift toward international political modernity has been variously described, analysed and contested. With few exceptions though, have the terms of analysis significantly unseated Leo Gross's assertion that Westphalia marks '[...] the majestic portal that leads from the old world into the new [...]',⁹ at least when that world is understood to lend itself to a theorisation of the international.

The Westphalia Narrative and the Territorialisation of Sovereign Power.

The modern state emerged amid the patchwork of fiefdoms and principalities that comprised the Europe of the Middle Ages. What has been taken to be significant about this arrangement, retrospectively and by contrast, is that no uniform association between territory and political authority existed. The church, economic guilds and leagues, royalty and various strata of nobility simultaneously overlaid and contested territories, populations and popular allegiances such that political authority frequently existed in complex local arrangements between different institutions and individuals.

This variety of actors, the irregularity of their 'relations' and politics of territory, in particular the absence of any clear separation between 'domestic' and 'international' has been taken to historically distinguish pre-modern politics from that which followed. The

⁹ Leo Gross, 'The Peace of Westphalia 1648-1948' in *The American Journal of International Law* No. 42 1948, p. 28. Quoted in Daniel Philpott, *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations* (Princeton: Princeton University Press, 2001), p 76.

role of the treaties of Westphalia in formalising what Paul Hirst has described as a systemic shift from ‘[...] pluralism and complexity to monopoly and simplicity in governance [...]’¹⁰ derives from the combination of legal, socio-political and diplomatic conventions with which they concluded the Thirty Years War. The Austrian Habsburgs’ attempts to force Protestants to accept Catholicism early in the Seventeenth Century initiated an intractable political crisis across Europe and some of Scandinavia. The violence became particularly entrenched within the multitude of principalities that comprised early-modern Germany, where large populations found themselves subject to a ruler of the opposing confession. Amidst the general resistance of Protestant princes to the Holy Roman Empire, rulers continually fought on behalf of co-religionists in other territories while violently suppressing the opposing group in their own. So serious was the German crisis that, amidst the fractious opening round of peace talks at Westphalia, there was general agreement that it should be addressed first, since progress elsewhere was unlikely without doing so. The two central treaties established a set of principles whereby rulers were granted authority to ‘agree to disagree’ in confessional matters: the power to dictate the religion of their own territory while at the same time recognising the right of others to do the same. This absolute power of religious governance would annul threats of sedition from within and usurpation from without while permitting sovereigns a measure of tolerance towards their subjects of different religion. The religious affiliation of a state would be transparent to, and beyond contestation by, other sovereigns and to those living within it. Freed from the threat of external intervention on their behalf, dissenters within sovereign borders would no longer constitute an immediate danger to the sovereign. Within their own distinct territory

¹⁰ Paul Hirst, *War and Power in the 21st Century: The State, Military Conflict and the International System*

sovereigns ruled uncontested while their subjects — in a way that will be attended to in more detail later — became re-constituted through a privatised, secular political agency.

The treaty documents that established these conventions focused on matters of religious difference and political authority and were couched, for the most part, in terms of a new legal structure for the Holy Roman Empire. They contain little overt mention of territorial sovereignty, the juridical equality of states or the principle of non-intervention that have come to be closely associated with them. The inclusive diplomacy that brought the agreement about however, had proceeded through granting juridical equality to negotiating parties and hence a *de facto* weakening of Rome.¹¹ Thus, amid the contention over their enduring importance, a consensus has it that rather than restructuring and re-realising the power of Rome through new regulation the treaties marked a significant moment in its decline.¹² The logics of political order and the manner in which political authority had been legitimated across territories began to move decisively from the contested realm of religious doctrine. Religious governance had been effectively dislocated from the One True Doctrine of the Roman Church. The emergent order of a distinctly international politics took place through making relations *between* sovereigns subject to a secular principle.

The 'Westphalian World' in IR: State, System, Society.

This association between the decline of Rome's supraterritorial authority and an emergent system of independent states with exclusive territorial sovereignty is that taken to mark the genesis of an international political world that lends itself to an independent theorisation.

(Cambridge: Polity, 2001), p 47.

¹¹ Philpott, *Revolutions in Sovereignty*, pp. 84-85.

The nature of the political transformation that took place however — its causes and concrete moments of disjuncture — is frequently assumed without any comprehensive analysis. Scholars arguing at length for Westphalia's enduring importance have also engaged in an array of qualifications as to Europe's having been 'substantially modern before [...] and persistently medieval thereafter [...]'. While the treaties' success lay in the effective combination of extant diplomatic and legal strategies rather than any outright innovation.¹³

Just why, amid an array of socio-political orders and conventions, it was the sovereign state that prevailed has been a subject of wide-ranging scholarly dispute. For Paul Hirst, the contestation of rights of territorial control, the military loyalty of subjects, administration of justice, taxation and political appointment in the middle ages necessarily denied a place to the sovereign as 'sole and uncommanded commander'.¹⁴ While the late Middle Ages saw a trend towards centralisation of power to improve military effectiveness and revenue gathering, the formal association of statehood and sovereign power was far from established. Hirst considers the fate of the Hanseatic League (which, at its height, made treaties with monarchs, deployed armed force and exercised immense influence on the economic governance of Europe) relative to the state form. He concludes that the League became marginalised essentially because, as a supra-territorial trade organisation based in central Europe functioning through a network of European and Scandinavian cities, its importance diminished as religious conflict came to dominate post-Reformation

¹² Ibid.

¹³ Ibid, p. 76.

¹⁴ France, for example, while still a site of considerable conflict in matters of religion and the power of central and city authorities had effectively been ruled as a sovereign state since the fourteenth century, while the 1555 Treaty of Augsburg already set precedent for granting state autonomy in religious affairs but,

Germany. The processes that brought about the League's decline concludes Hirst, were complex and many. The cities upon which it centred became heavily involved in fighting in which it was unable to make any decisive intervention. A decline in wealth brought about by prolonged conflict caused it to contract. The territorial consolidation of authority and rise of commercial competition in zones of peace elsewhere meanwhile, created competition the League was incapable of negotiating successfully under the economic and political duress of war.¹⁵ Like the sovereign state the decline of the Hanseatic League thus came about through a range of external events and contingencies — the diverse assembly of political forces to which it was subject — as much any qualitative factor internal to it.

The 'myth of 1648' nonetheless remains a recurrent and vital interpretative node within IR's core theoretical texts. In a founding work of 'classical' realism, Hans Morgenthau argued that the '[...] the great political transformation that marked the transition from the Middle Ages to the modern period of history [...] the feudal system into the territorial state' significantly predated 1648. The treaties however, marked its 'consummation', securing the territorial state as the 'cornerstone of the modern state system' and establishing 'a political world' consisting in:

'[...] a number of states that within their respective territories were, legally speaking, completely independent of each other, recognizing no secular authority above themselves. In one word, they were sovereign.'¹⁶

This 'Westphalian world' of territorial states subject to a formal anarchy without appeal to (or fear of) a higher authority constitutes a core claim of classical realism. As the

without the context of Westphalia, failed to establish itself as a common operational principle. See Paul Hirst, *War and Power in the 21st Century*, p. 45.

¹⁵ Hirst, *War and Power in the 21st Century*, pp. 49-52.

¹⁶ Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (New York: McGraw-

constitutive unit of 'the political world', the state thus assumes an analytical primacy. The fundamental character of international politics moreover — that from which a general analysis of interstate relations may be realised — emerges from attention to the 'rationality' of states in their dealings with one another. Heads of state make foreign policy decisions based on objective evaluations of circumstance in which options are rationally considered, rejected or chosen. While the internal ideological and political disposition of states may vary considerably and state action may well involve debate within the executive, the state is required to identify and pursue its 'national interest' and maximise its power to do so. The maximisation of power is a rational necessity if the state is to retain sovereign independence since, in the absence of any external authority, power is its sole guarantee. Politics among nations thus comprises a violent, competitive arena in which peace and war emerge as functions of *raison d'état*: the unending 'balancing' of state interest against interstate stability.¹⁷ The primacy of the sovereign state is thus evidenced by the dominant role of state rationality in international relations: a view that, for many of its proponents, helps guarantee the 'reality' of realist theory though its proximity with the practice of state power.

This broad view is one to which classical realism attributed not only current salience but also uninterrupted historic accuracy. In the first of his six 'principles of political realism' Morgenthau identifies 'objective laws of politics', the roots of which lay in 'human nature [...] which has not changed since the classical philosophies of China,

Hill, 1993), pp. 253-254.

¹⁷ For a survey of the 'Classical Realist research programme' see Robert O. Keohane, 'Theory of World Politics: Structural Realism and Beyond' in Ada W. Finifter (ed.) *Political Science: the State of the Discipline* (Washington D.C.: American Political Science Association, 1983). Reprinted in Viotti and Kauppi (eds.), *International Relations Theory* pp. 126-167.

India, and Greece [...]'.¹⁸ States' dispositions towards one another thus remains essentially as Thomas Hobbes, shortly after Westphalia and mindful of the English Civil War, described it. As though in the 'nasty, brutish' 'state of nature' that might exist amongst humanity prior to subjection to a sovereign power, states find themselves:

'[...] because of their independency, [...] in continuall jealousies and in the state and posture of gladiators; having their weapons pointing, and their eyes fixed on one another; that is their Forts, Garrisons, and Guns upon the Frontiers of their Kingdomes; and continuall spies upon their neighbours; which is a posture of War'.¹⁹

This posture of reciprocal antagonism provided the central methodological assumption for realist analysis of international politics long after Morgenthau's contribution. Much of the reasoning accompanying it, however, came to be contested. Beginning with *Man, the State and War* (1959), Kenneth Waltz disputed the centrality of human nature and *raison d'état* (his first and second 'images' of international politics) to the aggressive disposition of states. In particular, Waltz doubted the implication that war might occur less often if the nature of human beings, or that of regimes within states, could be changed. People and states, he observed, were already highly varied across space and time, yet the behaviour of states amongst themselves tended not be.²⁰ Looking instead to a 'third image', the systemic character of international relations, he developed the claim that prior to the particular interests of states and statesmen laid the determinate structures in which they found themselves. The absence of an external authority to which they might appeal and settle their differences — an enlightening analogy for Hobbes and a conditioning factor for *raison d'état* in Morgenthau's work — indicated, Waltz was later to conclude, a deep-

¹⁸ Morgenthau, *Politics Among Nations*, p.4.

¹⁹ Thomas Hobbes, *Leviathan* (London: Penguin Books, 1985), pp. 187–188.

²⁰ Kenneth N. Waltz, *Man, the State and War: A Theoretical Analysis* (New York: Columbia, 1959), p. 230-

seated ‘structural logic of anarchy’ amongst any plurality of independent actors, one that will always constitute the ‘permissive cause’ of war. The hitherto under-examined structure in which statesmen sought to operate conditioned their actions and determined the kind of rationality required to survive. It was this, which in Waltz’s later work and that of others such as Robert Keohane in his work on ‘complex interdependence’ came to be known as the neo-realist or ‘structural’ turn in the realism of international relations. Where the classical model sought the nature of international politics in its foremost unit — the state — and human nature, the structural turn required careful attention to the systemic conditions that determined states’ constraints and capacities.²¹

Waltz’s analysis drew on many sources beyond those usually attended to by analysts of international politics.²² The character of this departure can be usefully articulated in reference to the re-situation of the Westphalia narrative it brings about. In Morgenthau’s classical realism, the emergence of the world of sovereign states at Westphalia marked a vital historic juncture: the realisation of a truly modern *raison d’état* that enshrined enduring, rationally demonstrable laws of politics whose origins lay in the nature of humanity. International political modernity was marked by the emergent force of a state form in which religious doctrine was decisively set aside for the rational calculus of interest. International relations were thus best understood in reference to spatially distinct,

234 and *passim*.

²¹ Waltz’s letter to the editors of *International Organization*: ‘[...] if structure influences without determining, then one must ask how and to what extent the structure of a realm accounts for outcomes and how and to what extent the units account for outcomes. Structure has to be studied in its own right as do units’. *International Organization* 36, No. 3, (Summer 1982), p.680.

²² Not least in his conception of structure, system and the systemic. For an overview of Waltz’s departure from the traditional analytical terms of political science and his influence within IR: Knutsen, *A History of International Relation Theory*, pp. 270-273. For an account of neo-realism’s key points of departure from realism: Andrew Linklater, ‘Neo-Realism in Theory and Practice’ In Booth and Smith *International Relations Today*, pp. 242-245 and Waltz’s ‘Realist Thought and Neo-Realist Theory’, *Journal of International Affairs*,

legally autonomous states recognising and acting against one another in accordance with their own calculations of interests and pursuit of power. Neo-realism's systemic turn, however, positions the Westphalian World within a structural logic not only pre-dating it but also serving to describe any political system made up of multiple actors struggling to remain independent. The shift from state to system in the neo-realist turn therefore, yields an analytical model purporting to be as appropriate to the medieval world as the modern one: a model applicable to any multilateral system. The rise of the territorial state on the neo-realist account represents not so much a transformation of the fundamental nature of the political world, but rather the continuity of transhistorical structural logics.

If neo-realism took Westphalia to mark the re-emergence of a transhistoric (and hence ahistoric) 'deep structure' constraining multilateral political systems, it equally affirmed a central assumption of traditional realism: the radical difference between the geopolitical anarchy of interstate relations and the social relations within them.²³ Like individuals within a Hobbesian state of nature, states operate towards one another with little concern for law and morality; where such things have purchase at all they pertain to relations inside states, to 'domestic society'. The methodological suppositions of realist theory thus tend toward what has been called a 'billiard ball' model of international relations in which 'hard-shelled', rational, purposive and broadly identical states knock violently against one another.

Notably distinct from this approach are the discussions of international relations offered by Liberal and 'English School' theorists of IR. In his problematically titled *The*

44 (1990) pp. 21-37.

²³ The distinction between anarchic and hierarchical political systems in neo-realism is elaborated and defended by Waltz in 'Anarchic Orders and Balances of Power' in Robert O. Keohane (ed.) *Neorealism and*

Anarchical Society, Hedley Bull made a study of the sources of order in world politics. Here he concluded that, far from operating through an uninterrupted principle of anarchy, in their relations with one another states exhibit a number of orderly institutions, customs, traditions and dynamics. While, Bull suggests, not necessarily ‘a force for good’, order is a recurrent fact of world politics with an array of sources beyond the balances of power and interest indicated by realism. That this is the case evidences states’ ability to function as an ‘international society’. In addition to the pursuit of power, there exists a ‘common’ or ‘societal’ interest in ‘the elementary goals of social life’ such that states frequently behave in rule-governed ways and create institutions whereby those rules become effective.²⁴ As an ‘element of the international system’, Bull argues, international society has existed with varying levels of success alongside and in competition with others. War and the pursuit of power as Hobbes described it is one, the other being a notion of universal ‘human community’ Bull identifies with Immanuel Kant’s work. On this view the essential nature of international politics centres upon ‘[...] the transnational social bonds that link the individual human beings who are the subjects or citizens of states [...]’ such that the system of states is in fact subordinate to:

‘[...] the relationship among all men [...] which exists potentially even if it does not exist actually, and when it comes into being will sweep all states into limbo.’²⁵

This relationship has emerged in different ideological guises to unite and divide people across states into those seeking to realise this nascent human unity and those who react against it.

its Critics (New York: Columbia University Press, 1986), pp. 98-130, esp. pp. 112-115.

²⁴ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, (London: Macmillan, 1977), p.65 and *passim*.

Bull situated international society between the opposing elements of Hobbesian war of 'all against all' and the dynamic of solidarity and reaction he saw in Kant. Drawing upon the seventeenth century Dutch jurist Hugo Grotius he argued that, contrary to Kant, states remain the principal actors in international relations, while against Hobbesian realism, they are significantly bound by common legal rules, norms and institutions. States' interests, on the Grotian view, are neither wholly self-serving nor shared but rather resemble '[...] a game that is partly distributive but also partly productive'. The most typical expression of this, for Bull, is international trade 'or, more generally, social and economic intercourse between one country and another'.²⁶ The consequence of such activity, that which also regulates and enables it, is an international society comprised of a multitude of states coexisting and co-operating.

Bull observes the way in which the tendency to societal behaviour among states has persisted even when international politics has come to be dominated by war and revolution. As in the case of war and revolution, the conventions of international society have transformed historically and become a source of transformation: functioning for the most part through the activities of states in general and in particular, the great powers. That great powers exercise key influence in the creation of international orders, for Bull, stands uneasily with regard to some of the key elements of international society: principally, that of the juridical equivalence lent them by international law.²⁷ This is not, he argues, to suggest that international order created by great powers is necessarily unjust. Rather, the relation between international society and the 'managerial functions' of great powers is one

²⁵ Ibid, p.25.

²⁶ Ibid, pp. 26-27.

²⁷ Ibid, p.228.

in which they are required to act so that, for ‘a large proportion of the society of states’, they command legitimacy.²⁸

The predominantly normative and legalistic framework with which Bull supplements and contests realism serves to again re-situate Westphalia, now as a key node within the development of the social and economic institutions through which international order is created. Bull, while making little reference to Westphalia in *The Anarchical Society*, affirms the distinction between the medieval combination of authorities and the state system when speculating about modern states’ accommodation of other regional, world and sub-state actors.²⁹ He also identifies the transformations in international politics that brought about the rise of the modern state: most importantly, a body of secularised and ‘positive’ international law based on historical convention rather than a theologically derived natural law.³⁰ Another English School theorist and Grotius scholar, Martin Wight, similarly affirmed the importance of Westphalia in the periodisation of modern international history. Wight similarly understood Westphalia to mark a vital moment of completion within a long process of secularisation in international law and society. While this process significantly predated 1648 it was, he argues, one of maturation towards an arrangement of secular, sovereign states such that, at Westphalia ‘the states system does not come into existence: it comes of age’.³¹

This brief survey illustrates the degree to which the Westphalian model of a plurality of essentially autonomous states remains a central point of departure across distinct schools of thought. The nature of this centrality however, is frequently obscure

²⁸ Ibid.

²⁹ Ibid, 254-255.

³⁰ Ibid, p. 33.

since with varying degrees of explicitness Westphalia recurs as an assumption from which to describe other aspects of international relations. Bull for example, is able to make room for universalist claims regarding common humanity, but does so by showing the role of states in mediating and expressing them; in *The Anarchical Society*, it is sovereign, territorial states through which societal order emerges. While classical realists such as Morgenthau are straightforward in their adherence to Westphalia as a means to articulate the basic character of international relations, neo-realism apparently goes furthest of all in diminishing its importance. Disassociating the structural logics of anarchy from the rise of the modern state (or indeed any specific historical order) permits an account of international relations transcending particular diplomatic or political arrangements such as those that concluded the Thirty Years War. The nature of this move however, has provoked criticism. John Gerard Ruggie points out the degree to which neo-realism's analytical standpoint provides few resources to answer historically specific questions. The notion that Westphalia represents a moment of 'recurrence' rather than 'culmination' or 'transformation' provides no account of the passage from one instance of a specific systemic logic to another: the case in point being the 'medieval to modern' shift. How and why states come to be constituted, and behave as they do, at particular times is not addressed. For Ruggie, it is less the case that neo-realists diminish the importance of Westphalia than that, in diminishing the significance of historic transformation as such, they tend to leave the issue untouched.³²

It might be further suggested that the shift towards a formal and dehistoricised

³¹ Martin Wight, *Systems of States* (Leicester: Leicester University Press, 1977), p. 152.

³² John Gerard Ruggie, 'Continuity and Transformation in the World Polity: Toward a Neo-Realist Synthesis' in Keohane, *Neo-Realism and its Critics* pp. 131-157. See also 'Territoriality and Beyond:

account of international relations constitutes an historically unreflexive transition from, and assimilation of, the classical realist model on the part of neo-realists. Waltz's analysis, for example, takes as a point of departure the state-centred 'second image' of interstate relations associated with classical theories. It is with reference to this that the third, systemic, image derives and against which it constitutes 'an advance' theoretically.³³ Yet the degree to which this itself constitutes a moment of historic mediation — is Waltz's elaboration upon the interpretation of Seventeenth Century European conventions offered by earlier realist analysts — goes unacknowledged. Instead, what is offered is the quasi-scientific certitude of the system level view. The notion of sovereign statehood associated with Westphalia by writers such as Gross and Morgenthau thus remains in place, albeit in the abstract, wholly reified form of systemically determined unithood. As a conceptual template in which the plurality of sovereign states is foremost then, Westphalia remains determinate for a good deal of IR thinking: this is perhaps most obvious when writers within that tradition seek critical departure from it.

Contesting Westphalia?

A recent and indicative analysis and critique of the Westphalian model from within the IR tradition has been offered by Steven Krasner, who sought to explore the degree to which it does descriptive justice to the activities of states. As 'a universe composed of sovereign states, each with exclusive sovereignty within its own geographic boundaries [...] based on principles of autonomy and territory', Krasner argues, the Westphalian model has been

Problematizing Modernity in International Relations', *International Organization*, No. 47, pp. 139-174.

³³ Kenneth Waltz, 'Realist Thought and Neorealist Theory', *Journal of International Affairs*, No. 44, pp. 22-31.

continually ‘compromised’.³⁴ This he establishes through attention to four ‘modalities of compromise’ — conventions, contracting, coercion and imposition — each of which is a demonstrable and recurrent mode of international relations significantly, he argues, placing the Westphalian model in question.³⁵ Conventions, for example, arise from agreements between state authorities allowing for external scrutiny of specific domestic practices such as human rights and free elections. In cases where it produces genuine change Krasner argues, such oversight introduce external answerability into the exercise of internal rule sovereign autonomy and in doing so compromises essential elements of the Westphalian model.³⁶ By contrast, ‘contracting’ — agreements between the sovereign authority of two or more states, or a state and some other actor, e.g. an international financial institution — can be fully observed and leave the Westphalian system intact. In general, the legal bases of contracts require and reiterate the sovereign authority of those signing them. For example, alliances committing two states to military aid in the event of either being attacked may affirm the sovereign independence of both.

That contracting may also compromise the Westphalian model extends from the degree to which it potentially ‘[...] alters domestic conceptions of legitimate behaviour, subjects domestic personnel to external influence, or creates institutional arrangements that transcend national boundaries’.³⁷ In other words, contracts are freely entered into but have a constitutive potential that may exceed or run contrary to sovereign power of states through tying domestic behaviours into transnational arrangements. Similarly, contracts

³⁴ Steven D. Krasner, ‘Compromising Westphalia’, *International Security*, Vol. 20, No. 3, (Winter 1995/1996), pp. 115-151. A slightly revised version of the thesis is offered in the first chapter of Krasner’s *Sovereignty: Organized Hypocrisy* (Princeton, N.J.: Princeton University Press, 1999).

³⁵ Ibid.

³⁶ Ibid, p.124 and *passim*.

may alter governing concepts and ideas within states: ideas for example, concerning the legitimate exercise of authority. The other two modalities of compromise Krasner identifies — coercion and imposition — are involuntary. Coercion comes about when the rulers of a state are forced to consider compromising their domestic autonomy because of a threat of sanctions from another state or states. Imposition refers to situations when there is no room for consideration, since the target state is so weak it has no choice but to accept the ‘domestic structures, policies, or personnel preferred by the more powerful actors or be eliminated’.³⁸ The Westphalian model, Krasner concludes, is historically misleading, since it ‘has never been an accurate description of many of the entities that have been called states’. Taking it as the basis from which to think about international relations has the effect of rendering analysts ‘myopic’ by ‘marginalizing’ an array of situations typical of interstate behaviour.³⁹

Krasner’s argument is problematic but significantly indicative of the place occupied by Westphalia in the conventional IR literature. The degree to which this is the case rests, in the first instance, upon the correctness of his critique of others within the IR tradition. It might be noted that, in reference to the texts surveyed above, the Westphalian model he engages is insufficiently representative of the use made of it by other scholars. The diverse array of interstate relations described by Hedley Bull for example, leaves considerable room for the diplomatic and legal interaction Krasner understands to be lacking from international relations scholarship and seeks to reintroduce to it. Realist analysis meanwhile might permit states to pursue their interests in a variety of ways, of which

³⁷ Ibid, p. 128.

³⁸ Ibid, p. 136.

³⁹ Ibid, p. 115.

concession to the influence of more powerful states forms a part. By extension, ‘coercion’ and ‘imposition’ may simply be taken to be the normal business of realist international relations: states exercising power against others for their own gain.

Krasner’s account of the Westphalian system — an arrangement of states ‘independent’ in the sense of being significantly unaffected by one another — appears at odds with the analyses surveyed above, since it contains little space for the essential ‘relationality’ they seek to describe. The notion of ‘compromise’ upon which his critical effort rests thus perhaps lacks purchase beyond a Westphalian framework not altogether typical of that offered in Morgenthau, Bull and Waltz; rather, it might be taken as an overly emphasised but instructive caricature. Significantly, however, this engagement reveals the ways in which that work is a discourse in which a world of sovereign states is repeatedly modified: becomes constituted through a recurrent act of supplementation that serves to reiterate that which is supplemented. Hans Morgenthau’s realism, for example, seeks to supplement the pluralistic system expressed in the Westphalian model with an historically derived theory of power politics by which the violent dictat of human nature, realised in *raison d’état*, might be negotiated. It is this, rather than pursuit of ‘absolute good’, he argues, by which the ‘lesser evil’ of a stable balance of power might be achieved.⁴⁰ Waltz’s supplementation meanwhile, works through recasting the Westphalian plurality through system level analysis: the systemic logics of anarchy ‘socialise’ state regimes into multilateral politics of the type neo-realism describes. In each instance, the fact of a multiplicity of sovereign, territorially bounded states is reasserted while the relations that derive from it — that might be deduced through its conceptualisation — take the form of a

⁴⁰ Morgenthau, *Politics Among Nations*, p.4.

constitutive supplementation. Krasner's critique then, is arguably reproductive of — an analogue for — that which he seeks to place in question: his notion of 'compromise' itself a grammatically and analytically reiterative modification of precisely this sort. Westphalia again remains central, supplemented rather than truly contested by Krasner's modalities of compromise, which serve to reproduce its dynamic deployment elsewhere in the tradition.

As a recurrent point of departure then, sovereignty serves as an enabling concept through providing the presuppositional structure from which discursive supplementation proceeds. In addition to this function, it also serves to secure the analytical hierarchy by which that discourse is ordered. The central conventions associated with it — formal recognition by other sovereign powers; ultimate authority within distinct territorial boundaries and the double claim of autonomy in foreign policy and exclusive competence in internal affairs — provide the basic relational field for IR. Sovereign states may be 'judges in their own cause', but the field in which that judgement takes place is radically subject to the play of power and interest to which IR scholarship also attends. The fundamental model of a plurality of territorially bounded sovereign states (for which Westphalia is a principle means of articulation) remains both fundamental and determinate. To govern, even under severe duress 'from without', is still to govern: noting that a system is subject to continual 'compromise', far from obviating its discursive function, serves to rearticulate it.

The question now becomes that of how this discursive primacy helps shape the idea of intervention. From the analysis above, it might be argued that intervention is a term referring to a certain kind of supplementation: it is expressive of a particular type of relationality significant for, but nonetheless secondary to, the primary units that make up

international politics. We have also seen how intervention has been described as an undesirable and exceptional state of affairs, an undermining of the normal political continuity of international relations. Cynthia Weber's work further describes this relationship between sovereignty and intervention and provides an important critical resource for its analysis.

1.2. Cynthia Weber: the Politics and Theory of International Intervention.

The Westphalian system of sovereign states has remained the master discourse within the canon of international relations scholarship not least because it provides a point of jointure with the diplomatic and governmental practices it seeks to account for. This moment of interrelation between the exercise of power and its analytical representation in IR writing opens up the possibility of political critique within and against it. The degree to which might be read, as Rob Walker puts it, as a 'symptomology' of power rather than a politically reflexive engagement, while important to note, will be taken up at length later. For now however, the primacy of the sovereign norm over the field of international relations can be taken as an elementary indicator of the formal structure of intervention.

Cynthia Weber's *Simulating Sovereignty: Intervention, the State and Symbolic Exchange* offers a re-conceptualisation of the 'sovereignty/intervention boundary' and a critique of the logics of representation in the theory and practice of international relations. She utilises Foucault and Baudrillard to analyse the historical function of intervention in 'writing the state', ultimately coming to reject the logic of representation she finds in Foucault for a 'logic of simulation' inspired by Baudrillard. Weber's arguments merit some detailed attention since, in addition to complementing and deepening the analysis offered above, they also contribute considerably to that offered below.

While all Weber's arguments constitute a critical engagement with 'conventional' international relations theory, a number of indicative points about the consequences of those approaches for the way in which world political events come to be theorised might be presented here. She begins by concurring with Walker's observation that IR theorists' frequent description of sovereignty as 'controversial given' or 'contended concept' generally provides the means by which they absolve themselves from properly defining it or engaging the processes by which it becomes constituted. It is the presumption of sovereignty that permits theorists to proceed with that described above as constitutive supplementation. Paradoxically, Weber observes, the presupposition of sovereignty as contested 'stabilises' its meaning so that it might ground speculation about the nature of international relations:

'[...] theorists "solve" (however temporarily) the problem of state sovereignty by proceeding as if the meaning of sovereignty were stable because a solution to this problem seems to be a prerequisite for getting on with the business of international relations theory'.⁴¹

She notes two important analytical failures that have followed from what ultimately amounts to the 'uncontested' nature of sovereignty and its being taken as a 'first principle'. First, there is a tendency to lose sight of the historicity of sovereignty: the degree to which '[...] not one but countless forms of state sovereignty co-exist in modern global political life'. State power: 'what a state can do — what its competencies are and what the limits to its powers are with respect to society and humanity' for example, has been the subject of considerable transformation historically. It has also been manifested in distinctly different ways and degrees in different places at any particular historic juncture. The consequence in

⁴¹ Cynthia Weber, *Simulating Sovereignty*, p. 2.

both the theory and practice of international relations, Weber argues, has been a tendency to universalise one historically and spatially particular form of sovereignty (that associated with Westphalia has been shown to be a good example) as though it were appropriate in all instances.⁴² Weber extends this observation by commenting on the degree to which, like sovereignty and in no small part due to the intimacy of their conceptual coupling, intervention also tends to be an ‘essentially uncontested’ concept. The nature of this coupling, their conventional figuring as the norm and its transgression, again serves to ‘effect a silence’ about the ways in which the meaning of each has been ‘inscribed, contested, erased and reinscribed through historical practices’.

‘Writing the State’.

Against this, Weber points out the degree to which the act of postulating the sovereign state requires one to participate in a political act of constitution, to engage in:

‘[...] the struggle to fix the meaning of sovereignty in such a way as to constitute a particular state — to write the state — with particular boundaries, competencies and legitimacies available to it.’⁴³

The second analytical failure Weber associates with the uncontended character of sovereignty, to which the bulk of her analysis is devoted, follows from this. Assuming the stability of sovereign statehood, she argues, blinds theorists to the manner in which the meaning of sovereignty comes to be stabilised. How, she asks, is the meaning of sovereignty ‘fixed’ in theory and practice and how, ‘by default’, is the state ‘written’? In addition to the manner in which theoretical practice in IR in constitutes sovereignty, it is to intervention that she turns to provide an account of the historic stabilisation of its meaning

⁴² Ibid, p. 2-3.

⁴³ Ibid, p. 3.

in international political practice. Through 'trac[ing] historically the constitution and interpretation of community standards for legitimate intervention practices' she seeks to shed light upon their 'corresponding effects upon collective understandings of state sovereignty'.⁴⁴

'The Sovereignty/Intervention Boundary'.

Weber attempts to show the historic contingency of traditional views of the 'sovereignty/intervention boundary'. In particular, she engages the traditional conceptualisation of the relation between the two terms whereby the latter is taken to mark an undermining of, or departure from, the 'norm' of sovereignty. Against this, she argues that intervention practices, as a drawing of the sovereignty/intervention boundary, should be understood as central to the manner in which the meaning of sovereign statehood comes to be 'fixed':

'[...] while acts of intervention destabilize international politics, intervention discourses participate in the production and re-stabilization of concepts like the state and sovereignty. Intervening states offer justifications [...] to a supposed international community and couch their justifications in terms of acting on behalf of the sovereign authority in the target state'.⁴⁵

While the conventional account of the relationship between sovereignty and intervention assumes their conceptual opposition, Weber thus seeks to reconfigure their relation as one of constitution. What is constituted is not simply the state as it is 'produced, represented or written' through the reconfiguration of the sovereignty/intervention boundary, but an 'international community of judgement' to whom claims of

⁴⁴ Ibid, p. 30.

⁴⁵ Ibid, p. 125.



legitimation are addressed.⁴⁶ For Weber, the redrawing of the discursive space between sovereignty and intervention through intervention practices ‘participates in’, is determinate for, the fixing of the meaning of sovereign statehood.

Logics of Representation and Logics of Simulation.

While, as above, Weber’s analytical moves might be traced without explicit reference to their conceptual basis, her argument is informed throughout by what might be described as theoretical double gesture. This consists, in the first instance, of an interpretative procedure centring upon the question ‘what is represented?’ Taking cases of the interventionary practices by the Concert of Europe and the United States (first under the Wilson administration and then under Reagan and Bush) she seeks to identify that which recurs in their representational logics. This, as we have seen, leads her to ask *how* that represented, specifically ‘sovereign foundations’, come to be fixed through representation:

‘By way of what strategies are power and knowledge organized so that sovereign foundations are discursively constructed? How in particular do intervention justifications participate in the construction of sovereign foundations, be they domestic (citizenries) or international (interpretive communities)?’⁴⁷

This first aspect of her analysis draws upon Michel Foucault’s account of the power/knowledge nexus and the three ‘modalities of the power to punish’ he presented in *Discipline and Punish*.⁴⁸ In particular, she uses the logic of representation Foucault elaborated in that work, finding that the representational logics of punishment — ‘the mark’, ‘the sign’ and ‘the trace’ — correspond closely to those at work in historic

⁴⁶ Ibid, p. 125.

⁴⁷ Ibid, p. 30.

⁴⁸ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, tr. Alan Sheridan (London: Penguin, 1991).

intervention practices. There is, for Weber, a correspondence between those logics of representation at play in punishing criminals and the justifications offered for international intervention in the same period. This point of juncture consists in their both being instances of punished transgression against the sovereign basis of political authority: or rather, against the foundational truth by which sovereignty functions as a power/knowledge complex. As sovereignty becomes reworked, for example in the shift from monarchical to modern or popular sovereignty, both its foundations and the logics of representation at work in justifying the punishment of those who transgress them are transformed:

‘The Concert of Europe — acting in the name of monarchical authority — *marked* the bodies of the deviant Spain and Naples with its power. The Wilson Administration endorsed popular sovereignty to the point of fighting for its global institutionalization. According to this administration, a nation state must be a representative — a *sign* of democratic government (signifier) acting on behalf of its citizenry (signified). Finally, the Reagan-Bush Administration *traced* democratic traditions back to western hemispheric norms established during the Wilson Administration. The democratic ideals of the Grenadian and Panamanian peoples had to be rekindled and fortified against future threats to democracy (from Communism or drugs).’⁴⁹

While this Foucauldian approach is repeatedly mobilised by Weber, it is one she seeks to question and ultimately departs from. Her second interpretive strategy, which completes the theoretical double gesture underpinning *Simulating Sovereignty*, derives from Jean Baudrillard’s work and is the means by which she is able to elide the limitations she associates with logics of representation. Foucault’s power/knowledge thesis allows answers to the question ‘how is representation possible?’ — to show how the exercise of power that produces representations is itself a function of a (sovereign) foundational truth that is inseparable from it. This strategy though, is one in which ‘the search for meaning’

⁴⁹ Cynthia Weber, *Simulating Sovereignty*, pp. 32-33.

— for a historically conditioned foundation that comes to be represented in the way power is exercised — rests on the assumption that meanings are ‘recovered’ rather than ‘produced’. Despite its utility, Weber argues, it serves to eclipse the question of the production of meaning: a limitation most acutely foregrounded when representational systems are passed over for ‘postrepresentational’ ones. Foucault’s interpretative schema shows how, in a symbolic order such as that of monarchical sovereignty, transgression is punished through a *marking* of the criminal’s body by torture. This reflects their crime against the body of the sovereign, who is a literal embodiment of the divine foundation of authority. The symbolic order of the mark, of the transgressor’s body scarred to represent a crime against the sovereign’s body, has at each instance some *thing* that is represented. The mark of torture on the criminal *represents* the crime as a mark against the body of the sovereign, which itself *represents* the legitimate foundation of authority as the presence of the divine in the body politic. As a symbolic economy then, punishment refers to, represents, the truth that provides the sovereign foundation of monarchical society. ‘What happens’, asks Weber following Baudrillard, ‘when representation is no longer possible’ and by extension, truth cannot be produced through representation, or signifiers have no signified? Such a question becomes necessary when, as Baudrillard argues (and Weber concurs), representation has broken down and become ‘simulation’:

‘What Foucault’s theory of power/knowledge cannot do is explain symbolic exchange within a system that has no ultimate referents, no truth, or (and this is the same thing) so many signs of truth that that truth has no meaning.’⁵⁰

Power/knowledge (and its effects) for Foucault then, is always *some form* of power/knowledge. As a representation it has a referent, produced or otherwise, that might

be traced genealogically or made the subject of an archaeology. While the notion of power as anything other than a *productive* force is brought in to question, the possibility of its representation as an historically specific object-certainty is not. By contrast, Baudrillard offers an account of late modern society as ‘postrepresentational’: a state of affairs in which representation of ‘the real’ gives way to the representation of ‘models’ of the real. Signifieds in postrepresentational context are not referents in the sense of object certainties, but rather ‘signs of the real’, ‘simulacra’ — in Baudrillard’s words, ‘truth effects that hide the truth’s non-existence’.⁵¹ The symbolic economy in which meaning is produced becomes that of ‘exchange’ rather than representation. The value of the signifier is not a representation of the signified — rather, the signified’s value as an object of utility or (as in the body of the sovereign, for example) a ‘produced’ foundational truth, is replaced by a value decided in the symbolic economy of the model of which it is a part:

‘Models are neither authentic (referring to natural signifieds) nor functional (referring to a produced signified). Instead, they are self referential, infinitely substitutable, and reversible. Given this, questions of what is “real” and what is “imaginary” have no meaning in a logic of simulation because “opposite” terms can be substituted for one another.’⁵²

Wedded to a system of representation, Foucault’s work lacks purchase upon the production of meaning in postrepresentational context and is not adequate to the system of symbolic exchange that, for Baudrillard and Weber, is inherent to it.

⁵⁰ Ibid, p. 38

⁵¹ Jean Baudrillard, *Seduction* (New York, NY: St Martin’s Press, 1990), p. 35. Quoted in Weber, *Simulating Sovereignty*, p. 37.

⁵² Weber, *Simulating Sovereignty*, p. 37.

Sovereignty and Intervention in Postrepresentational Context.

Properly analysing the relation between sovereignty and intervention after representation, Weber suggests, requires attention to the analytical vocabulary Baudrillard offered to interpret postrepresentational systems: specifically a move from ‘production’ and ‘representation’ to ‘seduction’ and ‘simulation’. Seduction, she explains:

‘[...] is not concerned with “truth” but with the manipulation of appearances [...] As such seduction is of the order of simulation not representation because appearances are endlessly substituted and exchanged for one another without reference to some truth to make them meaningful’.⁵³

In place of questions as to ‘what is represented’ and ‘how is representation possible’? therefore, Weber asks ‘how is the truth’s non-existence concealed so that a logic of representation appears to function’ and ‘how are images or models simulated and seduced’? It is these questions that she finds appropriate to the Reagan-Bush Administration’s interventions into Grenada and Panama. The interpretation she offers centres upon the ‘models of truth’ (the ‘will’ of the Grenadian and Panamanian people, dictatorial rule, hemispheric and regional communities) circulated in the justifications for intervention.

Sovereignty, intervention and the relationship between them thus become reconfigured in Weber’s argument. Analysing interventions from a Foucauldian perspective, she concludes, shows how disciplinary power functions to produce sovereignty. Intervening powers, as communities of judgement, produce the ‘truth’ of sovereign foundation. They seek to exercise power legitimately on behalf of ‘the true sovereign’ and thus the chain of signification always leads to a ‘transcendental signified’. ‘The state’ refers to ‘sovereignty’ as its foundation that, in turn, refers to the transcendent foundation of the sovereign’s body or, in the case of popular sovereignty, the will of the

people. The pairing of sovereignty and intervention, then, is also that of signified and signifier: '[...] intervention (disciplinary power) refers to sovereignty or truth (foundational figures of sovereign authority).' The corrective function of Foucauldian analysis, in Weber's view, lies in this attention to the historicity of sovereignty, its being both an expression of and a resource for the power/knowledge nexus through which socio-political life is constituted. IR scholarship, she contends, tends to miss this relation between the meaning of sovereignty and its consequences for the state and hence loses the potential to place both in question. From an international political perspective, what is gained is an analytical perspective from which to grasp how:

'Intervention as disciplinary power participates in the production of a sovereign foundation so that a state may function in international society as a sign of the political representation of its population. What a state must do in order to be sovereign is to organize its affairs in such a way that its foundation of sovereign authority is authorized to speak for its particular domestic community in international affairs. Internationally a state must look to an external community of sovereign states to authorize its claim to sovereignty'.⁵⁴

What emerges from this perspective is the importance of symbolic representation in political representation: '[T]he foundations of sovereign authority must be produced (symbolically represented) before they can be politically represented'. Political discourse thus produces its symbolic terms rather than simply mobilising the natural signifieds to which they refer, and in the case of the international political discourse of sovereign foundations intervention is central to this process of production. In attending to Baudrillard's critique of representation and to the political discourse of sovereignty and intervention after logics of representation 'break down', Weber finds a wholly different

⁵³ Ibid, 38.

⁵⁴ Ibid, p. 124.

dynamic. Here, power is neither opposed to nor productive of truth and the source of sovereign authority is neither repressed nor produced but rather ‘seduced’: it is a manipulated appearance or truth effect without referent or signified. What occurs is a chain of signifieds without a transcendental ground or origin such that, in simulation, sovereignty has no foundational status. The result for the relation between sovereignty and intervention, for Weber, is that they become ‘two signifiers that can be substituted for one another’. The distinction between them erased, they collapse into a single term: ‘sovereigntyintervention’.⁵⁵ The meaning of intervention and sovereignty in such circumstances, Weber suggests, can only be grasped through understanding how they function as interchangeable signifieds comprising a single term. For her, the clearest example of this emerges in the US intervention into Panama. Here, US intervention discourse centred, on the one hand, upon territorial occupation of a sovereign state in the name of its sovereign independence and on the other, the arrest and trial of General Manuel Noriega under US federal law. Noriega’s abuse of his power as head of an independent state was thus realised in terms of US domestic jurisdiction. Meanwhile, equally paradoxically, it was only through territorial violation and the imposition of control from without that Panamanian sovereign independence, resting upon the simulation of the ‘will’ of the Panamanian people, could be realised. In each instance, the terms of analysis — the object certainties of inside and outside required for a representational logic of sovereignty and intervention — collapse into a single term through the erasure and re-inscription of the domestic/international boundary: the (American) ‘domestication of Panamanian space’.

⁵⁵ Ibid, p. 127.

The logics of simulation that constitute intervention discourse under such circumstance replace sovereignty with a specific codification:

‘Sovereignty becomes a code. It is a bundle of practices which, when performed grant specific rights and responsibilities to a nation-state. It is not important that a “sovereign” nation-state cannot meet the “tangible” requirements of sovereignty — ultimate authority over a territory occupied by a relatively fixed population and independence internationally. What become important are the signs of sovereignty — ability to access the code of sovereignty (obtain recognition as a “sovereign” state or membership of the United Nations) and the ability to simulate the foundation of sovereign authority (the people).’⁵⁶

The ‘writing’ of the state through the sovereignty/intervention boundary thus no longer depends on the two terms functioning as opposites, whereby sovereignty signifies state authority and intervention its limitation, but rather depends upon the boundary’s simulation. Sovereignty becomes ‘real’ because there is intervention. For ‘intervention’ to take place there must be ‘sovereignty’, the domestic communities to which sovereignty refers thus become simulated through and in intervention practices. Intervention, far from marking a breach in, or an undermining of sovereignty, *secures its meaning*.

Conclusion.

We have seen then, in our survey of some of the central literature, how Westphalian assumptions have formed a determinate core for the theorisation of international relations: a determinacy perhaps most obvious in the work of those seeking to depart from them. We have noted also how the primacy of the sovereign state serves to position the idea of intervention within IR: how it serves as a supplementary term in relation to the apparently more fundamental and important structural ‘fact’ of sovereign statehood. Weber’s analysis permits a more dynamic interpretive orientation towards the idea and practice of

international intervention. In doing so it introduces a range of prospects and problems. To begin with, Weber introduces a deterritorialisation of sovereignty and intervention practice: the uncoupling of sovereignty from the traditional function as an essential property of particular states and that property assumed to be common to all states such that they might be referred to collectively. Alongside the discourse of the juridical equivalence of sovereign states emerges a picture of international relations as, following Foucault, a 'disciplinary grid'.⁵⁷ States operate in a condition of hierarchy in which some are literally more 'sovereign' than others, since sovereignty is subject to a (prior) disciplinary discourse of political legitimacy grounded in reference to a transcendental foundation. States with the power to intervene decide the meaning of sovereign foundations and thus the principles of statehood from which international order derives. Before any assumption of sovereignty therefore, stand the transcendental markers of political authority: the body of the sovereign, the will of the people etc, which are not territorially specific but rather function as an operational principle of disciplinary power through which the 'grid' is ordered. In sum, what emerges from the kind of Foucauldian analysis offered by Weber is the manner in which sovereignty is *subject*, while the historical analysis of intervention practices may be described as attention to the story of sovereignty's subjecthood. The discourse of the plurality of sovereign states which, as we have seen, much IR theory takes as 'First Principle' is thus subject to a prior ordering that might be excavated through attention to the functioning of power/knowledge.

Weber's use of Baudrillard's critique of representational logics provides a further

⁵⁶ Ibid, p. 127.

⁵⁷ A term he used in the 'Truth and Power' interview in Paul Rabinow (ed.), *The Foucault Reader* (London: Penguin Books, 1984), p. 53.

analytical strategy. The central critical move is, again, against the presumption of state sovereignty and toward the manner in which that presumption requires a prior act of constitution: this time the simulation of sovereign foundations such that intervention might be legitimated. What emerges, for Weber, is an array of strategies whereby the elements of sovereignty are ‘seduced’ in intervention discourse: the absence of foundations to be represented demands that they be brought forth through manipulation. It is this line of analysis that yields her most radical claim: the collapse of the sovereignty/intervention binary such that both terms function simultaneously and through one another in a logic of symbolic exchange. We are thus to understand contemporary international politics as a symbolic economy in which the presumed plurality of sovereign states is brought forth through the manipulation of ‘truth effects’, and where success rests on a capacity to simulate sovereign foundations in the right way.

Without bringing forward conclusions from arguments yet to be made, a number of preliminary comments might be made about the limits of the analysis Weber offers. The historical analysis of *Sovereignty and Symbolic Exchange* ends with US operations in Panama. Like the operations in Grenada before and in Haiti after, and despite the universalist rhetorics of popular sovereignty invoked in each case, it might be argued that these interventions are all instances of US attempts to order its ‘near abroad’. Weber does not touch upon the post-1989 turn toward intervention as a central means to the realisation a ‘new world order’, nor does she offer analyses of the critique of state sovereignty and the logics of militarised humanitarianism which accompanied that turn. There is then, a need to extend and test the interpretive framework she offers in an analysis of the ‘new

interventionism'. She leaves ample space, if not an imperative, for an analysis of intervention after the Cold War.

Weber's work attends to the sovereignty/intervention boundary as it emerges in the declaratory discourse of intervening states, in particular (and in her subsequent work almost entirely) that of the US. To a degree therefore, her work is marked by a reiteration of the state systemic view, albeit one radically altered through her analysis. The result is a number of lacunae addressed by the chapters below, for which some orienting remarks might be offered here.

The traditional view of the sovereign unit in IR theory identifies intervention with an 'undermining' of sovereignty. The sovereignty/intervention boundary henceforth appears as an aporetic structure. As a formal principle, sovereignty invokes a separateness which in modernity, as we have seen, has come to be articulated through territory. Within the structural logics of the 'political world composed of sovereign states', intervention breaches what Rob Walker has described as the 'geometric logic' of 'Inside' and 'Outside'. Steven Krasner for example, grasps at these contradictions with the ideas of sovereignty as 'organised hypocrisy' and the 'compromised' nature of the Westphalian model. Unable to conceptualise the constitutive relation between sovereignty and intervention, he adheres to terms that effectively reiterate and normalise the models he intends to unseat. What is not yet clear is how far Cynthia Weber elides these contradictions in her central assertion that intervention is constitutive for, rather than undermining of, sovereignty. The symbolic ordering to which she attends, even when it rests upon invocations of popular sovereignty, is that which emerges from and is realised among the governmental elite of sovereign states. Significantly tied to the principle of state sovereignty as the principal means to the

production of international order, Weber's deployment of Foucault thus stands ambiguously within and without his observation that 'in political analysis we have yet to cut off the king's head'. She does not engage the theoretical framework he offered as an alternative (discussed below in chapter four). By extension, the approaches she offers lack purchase upon, first, the ideas of globality and global governance that have been central to post-Cold War intervention discourse. Weber does not address processes of governance that serve to pluralise, multiply and disperse sovereign power through, for example, the 'privatisation' of governance and the governmentalisation of the NGO sector. Nor does she address the degree to which these changes unify the nature of sovereign statehood as a disposition towards governance, such that, while the structural pattern of sovereign power may be that of dispersal, as a complex of political techniques or 'governmental rationalities', it might tend towards uniformity. A related question (also emerging in the analysis of David Campbell's work below) is whether the deterritorialisation of discourses of sovereignty and intervention actually results in a depoliticisation of territory, or rather merely figure the politics of territory differently.

Secondly, Weber's identification of the contemporary centrality of popular sovereignty does not lead her to ask how interventions construct and constitute populations other than as a transcendental signified for, or simulacra of, sovereignty. This is perhaps the strongest point of linkage between her analysis and the structurally overdetermined aporia of the sovereignty/intervention boundary in accounts that are more traditional. This is a line of analysis that, it will be suggested, with increased invocation of human security, humanitarian ethics, and subjective responsibility in intervention discourse after 1989, is of particular importance.

The themes established here by way of conclusion help provisionally position the departure sought in the analysis offered below. Weber's work opens up the question of the interventionary relationship as one the meaning and effect of which is subject to historical transformation. The terms of such transformation she identifies with the constitutive power of intervention, a power that problematises both the primacy of sovereignty and its boundary with intervention. The next chapter approaches the subject of intervention differently: looking at how intervention has been defined as a problem of morality or ethics. It also introduces the idea of the subject and, through the work of Emmanuel Levinas, discusses the subject as a site in which politics and ethics meet.

CHAPTER 2: INTERVENTION AS A MORAL PROBLEM.

Introduction: Ethics after History?

‘Recognize here means to recognize that something has happened, and is still happening, which forces relinquishment upon us. An event. And this event, we must admit, is historical in the strongest sense, i.e. in the sense that it does not simply arise from history, but of itself makes history, cuts into history and opens up another history, or else unmakes all history. Such an event is what has occurred in — and as — the first half of this century, of which the second half, somewhere between parody and nightmare, is merely the shadow.¹

‘This is in no way [...] to accept the obliging catch-all category of the ‘post-modern’. The claim not to philosophize makes no compromises whatever with nihilism, however seductive it may seem (but what is the nature of this seduction in fact?) [...]’.²

The Twentieth Century saw the emergence of an extraordinary and unprecedented ethical imperative: ‘Never Again’. Two words: a bold, deliberately incomplete formulation. This incompleteness — the signalling of some referent beyond the imperative without which it cannot begin to make sense marks both the radicality of its departure from tradition and the power of its imperative quality. Like all imperatives, ‘Never Again’ takes the form of a command — a demand — yet its content, at least in the specificity of its utterance, the moment of its saying, goes unannounced. Its utterance initiates a shift of aspect from the traditionally metaphysical field in which ethical imperatives proceed to events of history. This insistence on *historical* events perhaps announces the impossibility of a self-sufficient, which is to say transcendent, imperative. It also speaks of history’s new and extraordinary capacity to present global events; events so violently imprinted on the exercise of thought that they may, by way of paradox, become transcendent conditions — ‘[...] open up

¹ Phillipe Lacoue-Labarthe, *Heidegger Art and Politics: The Fiction of the Political* Tr. Chris Turner (Oxford: Blackwell, 1990), p. 5.

² Lacoue-Labarthe, *Heidegger Art and Politics*, (in a footnote to the above), p. 6.

another history, or else unmake all history’.

Considered within the history of ethics ‘Never Again’ thus marks both a ‘recognition’ of the type of which Lacoue-Labarthe speaks but also a strange moment of reorientation. In binding us to events, events of history and — perhaps above all — testimony and discourse, it perhaps marks the origin of a ‘post-metaphysical’ or deconstructive ethics. It both sloganises and invites exploration of a distinct ethical *sensibility*: a comportment within a task of thinking that has reached exhaustion point and that, for Lacoue-Labarthe, cannot in all conscience claim the name ‘Philosophy’. Taking this challenge seriously within the context of the current analysis opens a number of directions for investigation. Considering the end of the Cold War as a moment within the crisis of grand philosophical system-making and its capacity to generate social meaning is informing, although care should be taken to avoid any crude or over-literal association. In serious trouble for some time, the collapse of Soviet communism undoubtedly manifested an absence of authority that exceeded technical issues of governance and brought into question the meaning of political foundations, subjective identities and the communal coordinates from which (at least in part) moral life derives. This absence moreover, was arguably not limited to former-communist societies but also issued in a concurrent crisis in both Western states and the former client regimes of both superpowers. How might such insights bear upon an enquiry into post-Cold War crises and the interventions that sought to alleviate them? How, relatedly, should the wider issues of Lacoue-Labarthe’s periodisation be taken into account? While frequently identified with the European Holocaust, the disjuncture to which he refers and the imperative ‘Never Again’ have prior lives in reference to World War One and the forces of modern statehood, nationalism and

industrialisation that brought about and shaped it. How then, might the ‘politics of emergency’ that followed the Cold War, in all its immediacy and unforeseen character, be understood in the context of deeper and more longstanding forces of political modernity?

The current chapter and the ones that follow are informed by these questions and seek new approaches to them. The present one begins by considering how, after the Cold War, moral ideas were used to explain changes in the structure of international peace and security. It then goes on to evaluate these changes in reference to liberal and communitarian debate over the moral status of political community. The basis for a number of important conceptual approaches to intervention ethics, these debates — while frequently centred upon the nature of sovereignty — also begin to foreground the subject as a site of dispute within intervention discourse. The second part of the chapter attends to the relation between ethics and subjectivity through Simon Critchley’s analysis of ‘the formal structure of ethical experience’ and then Emmanuel Levinas’s work, from which Critchley’s account in no small part derives. The intent here is a further introduction of the subject through what has become an influential ethical and political meditation upon some of the events (philosophical and historical) to which the imperative ‘Never Again’ refers. Levinas, without explicitly deploying the phrase in his philosophical work, affords a sense of the terrain in which it seeks to operate. He also provides a sense, it is argued below, of the contamination, the intimate entailment of such an injunction with the very events to which it refers. This difficult ‘doubling of discourse’ through which Levinas articulates the relation between ethics and politics concludes the chapter and introduces a set of themes further explored both in the following one (on David Campbell’s *National Deconstruction*) and throughout the thesis.

2.1. Morality and Sovereignty.

For some within Western and international governmental elites, the events of 1989 presented an opportunity to, in Michael Barnett's words, '[...] capitalize on the post-Cold War moment to escape the pessimism of realism and to envision an international order secured without threat of force'.³ Central to this was an explicitly moral vision of the new global order, or rather a vision of a moral order to come, to which intervention was a principle means. The legal and normative constraints on international intervention then, became the subject of a moral critique, not least from the then Secretary-General of the United Nations, Javier Pérez de Cuéllar, who in Spring 1991 identified a:

'[...] probably [...] irresistible shift in public attitudes towards the belief that the defence of the oppressed in the name of morality should prevail over frontiers and legal documents'.⁴

Noting the tension between such a view and the traditional principle of non-intervention, the Secretary-General then called on the international legal community to create a 'new concept, one which marries law and morality'.⁵ The statement is telling and the marriage metaphor particularly so: a traditional function of marriage being the public legitimation of offspring. Pérez de Cuéllar sought to legitimate a doctrine of intervention through a marriage of morality and law, his call to lawmakers to be matchmakers a significant acknowledgement that such a thing was now possible. Indeed, like many senior UN officials and leaders in the West, for the Secretary-General this marriage seemed a matter

³ Michael N. Barnett, 'Bringing in the New World Order', p. 526.

⁴ Quoted in Gene M. Lyons and Michael Mastanduno in 'Introduction: International Intervention, State Sovereignty, and the Future of International Society' in Lyons and Mastanduno (eds.), *Beyond Westphalia?* p.2.

⁵ Ibid.

of some urgency. In the notion of a public demand, there was the sense of a birth long overdue. Perceptions of the relation between international governance and the nascent new order demanded by ‘public attitudes’ seemed to rest on a peculiar tension. The latter was captured in part by Pérez de Cuéllar’s successor’s observation that ‘the time of absolute and exclusive sovereignty [...] has passed [...]’, not least because ‘[...] its theory never matched reality’.⁶ Normatively realising the New World Order thus stood midway between a work of synthetic invention — the creation of legitimacy through marrying legal and moral concepts — and one of midwifery, the birthing of an overdue child. Part pragmatic, part prophetic, the task of international governance became the work of filling the new security vacuum with a future order. Its object, paradoxically, was a liberal peace already immanent, not only in the quasi-Kantian teleological possibilities of the UN system, but also that of ‘humanity’ itself. This tension may be re-stated in part through an analogous paradox in Pérez de Cuéllar’s demand that a new ‘peace’ be ‘secured’. For him the task was to create peace — a world freed from threat of force — through the logics of security, for which it might be assumed, the distribution of actual and potential violence can only be regarded as definitive.

The liberal critique of sovereignty that emerged in the new interventionism had already been substantially prefigured by and developed in earlier debates. Argument between liberals and communitarians over the ethical status of political community, for example, came to be importantly restated in discussions of the principle of non-intervention in international relations. Indeed, amongst others, John Rawls and Michael Walzer offered

⁶ From Boutros Boutros-Ghali, *An Agenda for Peace* quoted in Lyons and Mastanduno, *Beyond Westphalia?*, p. 2.

important contributions to both.⁷ Attention to these debates is particularly instructive in clarifying the formal structure of intervention and the normative vocabulary from which the political discourse of intervention after the Cold War took many of its points of departure.

Liberals, Communitarians and the Moral Basis of Political Community.

In *A Theory of Justice*, John Rawls notes the necessity of the social contract for any cohesive account of justice and offers a transcendental argument intended to ‘generalise and carry to a higher level’ the contractarian basis of just polity. This is achieved through postulating an ‘original position’, a ‘situation of equal liberty’ that escapes assumption about a ‘state of nature’ or any other determinate account of human sociality. What is asked after is rather the type of justice that would be chosen by people shortly to be thrown into a new social order, without the ability to predict or control the economic, political or any other circumstance in which they will find themselves:

‘Among the essential features of this situation is that no one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance’.⁸

The object of this move is to postulate a subjectivity unconditioned by circumstance. Its sole and essential element is a capacity for rational choice with which to vindicate an account of justice — to provide an authoritative answer to the question ‘*what would a just world be like*’? If those in the original position reason objectively, the answer, for Rawls,

⁷ See Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1992) and *Spheres of Justice* (New York: Basic Books, 1983). See John Rawls, *A Theory of Justice* (Cambridge, Mass., Harvard University Press, 1972) and ‘The Law of Peoples’, *Critical Enquiry*, (1993).

⁸ John Rawls, *A Theory of Justice*, p.12.

rests upon the exercise of two principles. Firstly, the maximisation of individual liberty to a point compatible with the liberty of all and secondly an equality of distribution and opportunity such that disadvantage is avoided. In this way, just polity proceeds from disinterest: a progressive transformation is accomplished through an appeal to a rationally vindicated account of justice.

Alasdair MacIntyre's communitarian objection to Rawls was that the claim to transcendental vindication could only be made through denying the particularity of its origin, and that the achievement of a position of disinterest is rather a matter of 'covert presupposition':

'[The] requirement of disinterestedness in fact covertly presupposes one particular partisan type of account of justice, that of liberal individualism, which it is later used to justify, so that its apparent neutrality is no more than an appearance [...]'.⁹

MacIntyre thus identifies an unconscious circularity in the liberal view such that, if Rawls's argument establishes anything, it is the inner consistency of that position already presupposed. Against this he offers an account of justice as irredeemably plural, a 'tradition constituted and tradition constitutive' organising principle for ethical and political life. Similarly, the principles of rationality by which the idea of justice is established are themselves always socio-historically located. Transcendental argument serves solely to test the inner consistency of moral maxims, such that that transcended is the present historical configuration of the tradition itself rather than tradition as such. Rawls's argument thus emerges from a particular type of moral subjectivity: an individualistic, secular and modern subjectivity that desires to recognise and authenticate itself in moral judgement without conscious recourse to traditional categories.

⁹ Alasdair MacIntyre, *Whose Justice? Which Rationality?* (London: Duckworth, 1988), p. 3.

There is a strong implication in MacIntyre's work that liberal individualism's 'veil of disinterest' has served to privilege existing relations of power and threatens to extend them illegitimately through denying their situatedness within a particular tradition. This has led some to conclude that the politics of his argument represent a 'high communitarianism',¹⁰ although he has objected to this label¹¹ and a broader view of MacIntyre's work situates his critique within a wider account of the capacity of traditions to exceed their bounds through claiming universal vindication. The prescriptive move offered by MacIntyre rests on a pragmatic politics:

'The everyday world is to be treated as one of pragmatic necessities. Every scheme of overall belief that extends beyond the world of pragmatic necessities is equally unjustified'.¹²

Pragmatism then, is the appropriate response to the limiting of transcendental claims. A central problem with this — the subject of liberal rejoinders to MacIntyre's argument — is that societies containing a range of traditions require a public position from which to arbitrate, and that the liberal tradition offers a consistent and reasonable means to govern shared communal life. There is a need, in short, for a transcendent account of justice on which an ethics of 'equal dignity' might rest.

Political Community, the Social Contract and Intervention Ethics.

While the idea of self-identifying communities with autonomous and consent-inspiring traditions might not always be the best analogue for the modern nation state, it has stood at the centre of a good deal of debate over the nature and purpose of international

¹⁰ 'Freedom and Community: The Politics of Restoration', *Economist*, December 24th 1994, pp. 65-68.

¹¹ N. J. Rengger, 'Moral Communities and World Politics: Political Theory Beyond/ Against the State' in Moorhead Wright (ed.), *Morality and International Relations: Concepts and Issues* (Aldershot: Avebury, 1996), p. 90.

intervention. One such debate, notable for the clarity it brings too much of the discourse of intervention that followed the Cold War, began when Michael Walzer engaged David Luban's criticism that his *Just and Unjust Wars* had over-privileged the state at the expense of individual human rights. Walzer's rejoinder rested upon an account of the social contract as means to protect the ongoing process of 'association and mutuality' by which the socio-political life of the state develops, this development, for Walzer, being the object of political freedom. In this way, he argues, the principle of non-intervention is the natural correlate of the social contract and respect for the autonomous development of political communities precludes all but a few exceptional interventions:

'We are to treat states as self determining communities [...] whether or not their internal political arrangements are free, whether or not the citizens choose their government and openly debate the policies carried out in their name. For self-determination and political freedom are not equivalent terms.'¹³

Intervention as a means to achieve freedom for the citizens of the target state thus represents an abuse of their political self-determination. Freedom is realised within communities and cannot be realised from without, in this Walzer marks his agreement with John Stuart Mill's view that sovereignty is the sole means to establish the space in which freedom can be achieved.

Luban objected that Walzer had failed to establish the principle of non-intervention as a moral duty, a failure extending from the identification of sovereignty with legitimacy.¹⁴ Sovereignty, he argues, refers solely to the exercise of power by a state's central executive, a right that may be established in international law but is in no sense

¹² MacIntyre, *Whose Rationality? Which Justice?* p. 395.

¹³ Walzer, *Just and Unjust Wars*, p. 54.

¹⁴ David Luban, 'Just War and Human Rights' in Charles R. Beitz, Marshall Cohen, Thomas Scanlon and A. John Simmons (eds.), *International Ethics: A Philosophy and Public Affairs Reader* (New Jersey: Princeton

coincidental with the moral legitimacy of a government. The objection that the moral duty of non-intervention refers less to particular governments than the peaceful functioning of the state system itself Luban rejects as a failure to address the question as to when war or intervention can be just. The moral elevation of sovereignty on systemic grounds precludes any account of just intervention. Sovereignty, he concludes, is a ‘morally flaccid’ concept. This, for Luban, eludes Walzer through his failure to recognise that the social contract is not a purely ‘horizontal’ dynamic binding citizens together into a political community. Rather, social contracts refer just as much to ‘vertical’ relations by which citizens are substantially bound to their government through its provision of ‘socially basic human rights’. It is through such a provision of rights that governments gain legitimacy: they cannot therefore, claim the right of sovereignty against intervention when they choose to deny the prior rights from which it extends.¹⁵

This shift from sovereignty and statehood towards human rights and the vertical contract, for Luban, accurately captures ‘the reality of contemporary politics’ — an argument contemporary liberals would no doubt carry over *a fortiori* to the crises that followed the Cold War. Violent conflict between states, he observes, are now less common than intra-state wars emerging from issues of consent and legitimacy to which such an account is appropriate: subject to principles of proportionality, it is human rights that provide the grounds for just war and, by extension, just intervention.

Walzer responded to this critique by inverting the obligatory nature of the vertical contract. Governments are bound to their citizens he contends, through an obligation to defend their common life from without. As such, they are instruments with which political

communities represent and defend their autonomous processes and development. Further, the quality of this development cannot be understood from outside, the union between government and people is only truly accessible to those within it:

‘Foreigners are in no position to deny the reality of that union [...]. They don’t know enough of its history, and they have no direct experience, and can form no concrete judgements of the conflicts and harmonies [...] that underlie it’.¹⁶

The moral basis of the principle of non-intervention, Walzer argues in a formulation strongly reminiscent of MacIntyre, rests on respect for ‘a people governed in accordance with its own traditions’. The ‘rules of disregard’ he offers in reference to the principle of non-intervention are to be thought of in this light: as a means to restore the conditions necessary for political self-determination. Walzer concludes with a brief but important comment that his argument represents a defence of politics: that respect for sovereignty supports the political process ‘[...] with all its messiness and uncertainty, its inevitable compromises, and its frequent brutality’. That he has needed to make this defence at all, he concludes, speaks of a ‘traditional philosophical dislike’ of the political process shared by his critics. The claim, again suggestive of MacIntyre, is that ‘a philosophical approach’: that is, one based on the exercise of universal principles would seek to subjugate the autonomous development of traditions to a supposedly transcendental position.

While it serves well to illustrate the formal relations through which intervention has been defined and contested, the Walzer-Luban exchange also highlights the some of the central terms of post-Cold War intervention discourse. Notable for its argumentative clarity, the Argentine diplomat Fernando Tesón’s philosophical and legal defence of the

¹⁵ David Luban, ‘Just War and Human Rights’, p. 204.

¹⁶ Michael Walzer, ‘The Moral Standing of States: A Response to Four Critics’ in Beitz *et al.*, p. 220.

right to humanitarian intervention revisited their exchange, acknowledging his debt to Luban and celebrating the extent to which their approach had been ‘validated by recent practice’.¹⁷ Like Luban, Tesón sought to establish a right to humanitarian intervention ultimately resting upon:

‘[...] a fundamental philosophical assumption: that the reason for creating and maintaining states and governments is precisely to ensure the protection of the rights of the individuals. A necessary condition to justify political power exercised by human beings over their fellow human beings is that the rights of everybody be respected. Thus states and governments do not exist primarily to ensure order, but to secure natural rights’.¹⁸

Acknowledging Luban’s original deployment of the term, he goes on to affirm the priority of the ‘vertical contract’ as that which ‘establishes the legitimate boundaries of political conduct’. When the vertical contract of a state fails, other states are no longer bound to respect its sovereignty. This position is achieved philosophically, for Tesón, first through an extended critique of the ‘Hegelian Myth’ that states stand within international society as autonomous individuals in the domestic arena and, second through extending Rawls’s work, reiterating the liberal potential of the original position.¹⁹ The moral basis of statehood, Tesón concluded, has the status of ‘jurisprudential fact’ since ‘international law and moral philosophy are essentially linked’ and this link, in being ‘conceptual’ rather than ‘normative’, is substantial. ‘If any moral theory, and especially a theory of rights, is correct (or plausible)’ he concludes, ‘then it is *universally* correct (or plausible). [T]here is no philosophical reason to confine political morality to constitutional justice.’²⁰ Tesón then,

¹⁷ Fernando Tesón, *Humanitarian Intervention: an Enquiry into Law and Morality* (New York: Transnational Publishers, 1997) p. 234, 313-317 and *passim*.

¹⁸ *Ibid*, p. 118.

¹⁹ *Ibid*, pp. 55-79.

²⁰ *Ibid*, p. 10.

deepens Luban's analysis through an insistence that the moral flaccidity of sovereignty be countered through a universal and explicit redefinition. To be meaningful sovereignty must rest upon a prior and essentially unlimited guarantee of human rights, the failure of which should automatically lead to intervention on humanitarian grounds.

2.2. Intervention, Ethics and the Subject.

This debate on the ethics of intervention yields a number of insights about the principles of organisation through which intervention discourse — the interplay between conceptualisation and practice — is shaped. It also serves well, viewed alongside the analysis of the previous chapter, to provide an initial orientation toward some of the questions engaged here and in the remainder of the thesis: in particular the relation between intervention and the subject. First though, what more, in the light of the debate between liberals and communitarians, can be said of the post-Cold War shift in the normative basis of international peace and security? How moreover, does this debate begin to introduce the subject?

As we saw in the preceding chapter, Cynthia Weber suggests that a certain decidedness about sovereignty tends to accompany intervention as both an idea and a practice. Indeed, we have seen how, even in liberal argument, the 'marriage of law and morality' sought by Pérez de Cuéllar is still completed (as marriage tends to be) with different entities brought together under the same name: in this case, sovereignty. Sovereignty here, however, is understood to rest most fundamentally on the sovereign's moral obligation to subjects. This is the decidedness over sovereignty that grounds the liberal approach to intervention ethics. In taking intervention as a moral problem in this way moreover, discussion of sovereignty becomes bound up with the need to decide the

social contract. The debate becomes significantly contained within the contractarian imaginary: the ordering of subject, population and sovereign power that, with few exceptions, has provided the basic terms of modern political theory. Mirroring Weber's analysis of intervention as the securing of political foundations, debate over the ethics of intervention becomes an extension of the political theoretical effort to properly work out and realise appropriate relations between sovereign authority and the subject.

Following Weber's claims about the constitutive power of intervention, it can be argued that the rise of an interventionary pursuit of order of the type that followed the Cold War does not mark an undermining of sovereignty but rather a period of reconstitution. Reconfiguring sovereignty and intervention around the norms embodied by liberal institutions, rather than a 'ceding' or giving up, instead represents a disciplining into conformity — an enforced internalisation of the institutions of liberal governance such that the proper relation between sovereign and subjects is realised. This view is perhaps exemplified in the liberal contention that, where intervention follows on from abuse of human rights within a state, sovereignty has been significantly weakened — if not undermined — *before* intervention takes place. Liberal intervention ethics thus function through a spatial extension of the sovereign power to guarantee rights into the territory of another: as though subjective rights draw in a new configuration of sovereign power like nature rushing to fill an abhorred vacuum. This mechanistic logic, to prefigure an argument yet to be made, serves not least to efface its own moment of political decision.

The shift in interventionary doctrine and practice after 1989 was a move towards the development of supranational or international institutions as a yet more fundamental expression of the moral conditionality of sovereignty. The conditional status of state

sovereignty *vis-à-vis* liberal ethics gains an apparently more objective basis: a concrete institutional platform from which failure to guarantee rights could be consistently overcome through intervention. The objective then, would appear to be a liberal peace realised through a mass ceding, not of sovereignty, but of any aspect of sovereignty at odds with a newly institutionalised universal ethics. The prerogative for the interventionary act is, at least notionally, substantially shifted from the sovereign power of heads of state toward transnational arrangements in which that power, that right of decision, is pooled. This pooling is accompanied moreover, by the assumption of a moral code as disposition for government and statecraft: a governmentalisation of ethics. We will return to this at some length in later chapters.

Another general observation to be made at this point is how the central activity of intervention ethics, the formal principle that characterises it, is one of *threshold setting*. In both liberal and communitarian accounts, it seeks after a pre-decided comportment towards the exercise of sovereignty such that intervention becomes a logical consequence of departure from its proper foundation. This much is perhaps apparent from many of the utterances of those pursuing the new liberal order. However, it is worth observing how the liberal critique of sovereignty (the notion of ‘moral flaccidity’ suggested by Luban and developed by Tesón) *both* reiterates sovereignty’s discursive primacy through re-stating it as an ‘ethical’ necessity *and* makes sovereignty wholly relative to the provision of rights to subjects. For them, just intervention is the act of reconstituting the moral basis of a state: the reconstitution of sovereignty as the provision of rights. The threshold of liberal intervention ethics thus centres upon the capacity of sovereign powers — defined most fundamentally as a right disposition to subjects — to undermine themselves. Sovereignty

becomes defined in fact, by a capacity to *disappear* through failure to guarantee rights. What does not disappear though, is the subject, who introduces the imperative to intervene, who draws in a new configuration of sovereign power in the act of intervention. This mechanism, whether operating through compulsion or voluntarily, assumes the universal validation of the interventionary threshold and is as much reiterative as undermining of sovereign statehood, since the threshold is that which marks the outer bounds of state responsibility.

The demand that states cede sovereignty to liberal institutions then, centres upon their becoming subject to a new interventionary threshold. Sovereign power conforms to definitive measures such as provision of rights to subjects or ceases to exist, inviting the reconstitutive power of intervention. The meaning of intervention — in IR accounted for in terms of relations between sovereigns and re-worked by Weber to refer to the realisation of political foundations — is thus significantly grounded in argument over the nature of ethical and political subjectivity. On the communitarian account, the subject is situated: subject to ‘tradition constituted and tradition constitutive’ social relations through which moral and political life becomes meaningful. Intervention, if undertaken at all, is intended to reassert the basis for autonomous political processes. In liberal argument by contrast, the subject is the bearer of ‘socially basic’ human rights that pertain universally and regardless of the particularity of traditions. Intervention is thus an activity undertaken to guarantee rights. For both, the ‘nature’ of the subject would appear to some degree determinate for the meaning of sovereignty and by extension, intervention. In view of both, the decision as to whether to intervene rests significantly on a prior choice about the subject as that which derives meaning from a community or alternatively, from a transcendent moral status. The

basis for making such a decision — indeed, the assumption that one is possible — is something to be explored further.

The idea that sovereignty rests upon a capacity to guarantee the rights of subjects, to constitute them as bearers of rights, raises the question of that which is intervened into in the ‘absence’ of sovereignty. The absence of sovereignty, it can be provisionally supposed, leaves only population, since the principles of individuation whereby population is made subject — becomes differentiated into particularised, rights bearing subjects — extend from sovereign power. A question issues then, as to the nature of the subject in the ‘absence’ of sovereignty. How are we to understand the manner in which the reconstitution of sovereign power through intervention equally reconstitutes, or fails to reconstitute the subject? What, moreover, can be said of the principles of differentiation, the strategic rationalities and symbolic ordering put to work in seeking to govern populations in the absence of sovereign power? If, on the other hand the subject, even in the absence of sovereignty, has rights derived from elsewhere, then how are these to be understood? What is their legitimacy and how are they decided? Who then, is the subject of intervention? What is involvedⁱⁿ their being constituted as subject and what can be said of the status, sovereign or otherwise, of the intervening, constitutive power? Before proceeding, further attention to the interrelation of ethics, politics and subjectivity is necessary.

2.3. The Subject and Ethical Experience.

Simon Critchley on the Formal Structure of Ethical Experience.

Simon Critchley’s attempt to theorise ethical experience follows and is indebted to earlier attention to the interrelation of ethics and politics in Emmanuel Levinas’s work. Indeed, the notion that philosophical work on ethics should centre upon *experience* rather than *a*

priori reflection is itself informed by the tradition of existential phenomenology to which Levinas has become central. Critchley's claim is that approaching the history of ethics from such a perspective reveals a 'formal structure of ethical experience'²¹ to which, with notable exceptions such as Hegel, almost all philosophical and religious ethics have conformed. The move towards an account such as this, he contests, is foundational for a theorisation of the subject, since in working out the formal structure of a particular experience, much can be said about the subject who undergoes it. For Critchley, this, in turn, helps expose the nature of political subjectivity.

Critchley's argument begins by picking out the distinctiveness of moral statements which (borrowing from Dieter Henrich) he describes as 'the grammar of the concept of moral insight':

'My moral statement that "x is good or bad" is of a different order to the veridical, epistemological claim that "I am now seated in this chair." This is because the moral statement implies an approval of the fact that x is good, whereas I can be quite indifferent to the chair I am sitting on.'²²

It is the expression of *approval* that makes moral statements distinct. This approval however, is more than a source of grammatical distinctness, as it refers to something experienced. For Critchley, it constitutes the first aspect of ethical experience. Approval however, is expressed in all sorts of non-moral statements and, in being tied to its referent cannot stand as sufficient:

'[I]f the good only comes into view through approval, it is not good *by virtue* of approval. Ethical *noesis* requires a *noema*. [...] Ethical experience is first and foremost the approval of a demand, a demand that demands approval. Ethical

²¹ Simon Critchley, 'Demanding Approval: On the Ethics of Alain Badiou' *Radical Philosophy*, No. 100 (March/April 2000), p. 16.

²² Ibid.

experience has to be circular, although hopefully only virtuously so.’²³

This dynamic relation of *approval* and *demand* constitutes the formal structure of ethical experience. It is around this dynamic that, for Critchley, the history of ethics has taken shape:

All questions of normativity and value, whether universalistic (as in Kant in the categorical imperative, and his latter-day heirs like Rawls and Habermas) or relativistic (as in Wittgenstein on rule following and his latter-day heirs like Rorty), follow from such an experience. Without some experience of a demand — that is, without some relation to the otherness of a demand of some sort — to which I am prepared to bind myself, to commit myself, the business of morality would not get started.’²⁴

The ‘business of morality’ then, begins in reference to something external to the subject: ‘the otherness of a demand’. Critchley undoubtedly has Levinas in mind here, although problematically so: what might be meant by ‘otherness’ in this context will be explored shortly. At this point though, what is significant is that the intrinsic binding of ethical subjectivity with something outside the self, something that comes to be constitutive of the self in its worldly comportment. Critchley schematises this in reference to various philosophical theories such that their imperative content: Good beyond Being (Plato); faith in the resurrected Christ (Paul and Augustine); the fact of reason or experience of the moral law (Kant); principle of utility (Bentham, Mill); eternal return (Nietzsche) etc, can all be taken to constitute demands to which the subject binds themselves in approval. This ‘binding’, the giving of approval to a demand — a notion of ‘the Good’ — is the definitive moment of ethical subjectivity. The subject becomes an ethical subject through this act of giving itself up, or ‘assenting’ to something outside itself:

²³ Ibid.

‘What is essential to ethical experience is that the subject of the demand assents to that demand, agrees to finding it good, binds itself to that good and shapes its *subjectivity* in relation to that good. A demand meets with an approval. The subject who approves shapes itself in accordance with that demand. All questions of value begin here’.²⁵

In this way, the internal life of the subject is configured in intimate relation to, in the internalisation of, something other than itself: something Critchley categorises in purely formal terms as the Good as a demand.

This brief overview of Critchley’s theory serves to introduce two themes of ethical experience and subjectivity which are to be further developed, but not unproblematically so. Firstly, Critchley’s two moments of ethical experience, demand and approval, are expressed under its unity, they are parts of a whole or at least the thrust of Critchley’s argument is that they are intimately linked in experience. There remains a question though, as to what can be said of them independently of one another: the possibility in fact that they refer to significantly different orders of experience. Second and relatedly, there is a question as to what is lost through Critchley’s insistence upon — what amounts to a privileging of — *formality* in describing an experience. This emphasis has considerable utility for picking out a transhistorical structure to show continuities in thinkers as diverse as Kant and Nietzsche, yet lacks little purchase in accounting for their differences. What is it then, that is lacking in a theory of ethical experience that says nothing of the *particularity* of that experience, that which individuates the distinct choices of Good that people make? Addressing such a question requires an account of the array of moral problems, the multiple experiences of ‘life-world’ dilemma, that require people to evaluate notions of the Good as

²⁴ Ibid.

²⁵ Ibid, pp. 16-17.

a means to their negotiation. The moment of *demand* is arguably accompanied by a wider play of forces in reference to which individual reflection leading to *approval* has to be made. The mode of approval, that which is internalised alongside the demand and becomes formative of the subject, moreover, may be significantly different (as the range of practices and traditions within particular traditions attests).

The following sections offers an exposition of Levinas's work that departs from Critchley's schematisation of ethical experience and attempts to address these questions in a way that is relevant for the orientation toward intervention offered above. For now though, a number of themes have emerged; the manner in which the experience of imperatives become formative for subjective life; the structure of demand and approval; the problem of accounting formally for the *difference* between the kinds of imperatives to which people bind themselves and, by extension, between manifestations of approval. Finally, there is perhaps a preliminary sense of the political stakes raised by the conjunction of ethics and subjectivity, of the manner in which interventionary power perhaps implies a severing and reconfiguration of the relations of demand and approval: a subjective dynamic that far exceeds the attribution and provision of rights.

2.4. Levinas: Ethics, Politics and Subjectivity.

For Levinas, ethics is at once entailed with but also stands aside from law, politics and moralities of convention. It escapes all complicity within the order these things create and announces itself, by way of interruption — '*epiphany*' — as if from elsewhere. Ethics proceeds in the experience of the other human being (the Other)²⁶ whose very otherness,

²⁶ The convention amongst translators of and commentators on Levinas's work is to use the capitalised

resistance to my comprehensive gaze, irreducibility to me, calls me to account. This position received an initial articulation in the critique of Heidegger's *Being and Time* Levinas developed in his first major work, *Totality and Infinity*, the opening argument of which drew upon a series of earlier essays. In one of the most important of these, 'Is Ontology Fundamental?'²⁷ Levinas placed Heidegger's account of the subject and the intersubjective relation within a pattern of reduction that extends, with few exceptions, throughout Western philosophy. The relation with the Other, Levinas contended, had traditionally been thought as a problematic variant of a general relation to the world conceived as other to consciousness. The importance of Heidegger's work lay in its radical critique of the world as other: the Cartesian 'intellectualism' that separated the mind from the world, placing it before and in a comprehensive relation to it. Against this, Heidegger expounded a fundamental philosophy centred upon 'being-in-the-world', an existential situation of the subject such that it could no longer thought of 'outside' or in an epistemic relation to its environment, but always as being-in or being-there (*Dasein*). Levinas described this shift and its importance thus:

'To comprehend our situation in reality is not to define it but to find ourselves in an affective disposition. To comprehend being is to exist. All this indicates, it would seem, a rupture with the theoretical structure of Western thought. To think is no longer to contemplate but to commit oneself, to be engulfed by that which one thinks, to be involved. This is the dramatic event of being-in-the-world.'²⁸

In *Being and Time* however, Levinas found a continuity with the Western tradition that repositioned Heidegger within it. He also identified an extremity of degree that provided a

'Other' to distinguish 'the human other' from otherness in general.

²⁷ Emmanuel Levinas 'Is Ontology Fundamental?' in A. Perperzak, R. Bernasconi and S. Critchley (Eds.) *Emmanuel Levinas: Basic Philosophical Writings* (Indianapolis: Indiana University Press, 1996), p.4.

²⁸ Ibid, p.4.

significant link between that work and Heidegger's political affiliation with National Socialism.

Heidegger's attention to 'Being' as something that could be described only in terms of the experiential modes of subjectivity led to a renewed subsumption of the Other under a general philosophical theme: ontology. The relation to the Other is, for Heidegger, one of ontological comprehension. The Other is a being amongst beings. The definitive alterity of the Other is thus delimited through being expressed as a relation of being-with (*Mitsein*). As the means to secure a comprehensive relation to the world, Levinas argues, the Other is made 'the same' — a variant within the general mode of existential encounter by which the world is negotiated:

'To affirm the priority of *Being* over *existents* is to already decide the essence of philosophy; it is to subordinate the relation with *someone*, who is an existent, (the ethical relation) to a relation with the *Being of existents*, which, impersonal, permits the apprehension, the domination of existents (a relation of knowing), subordinates justice to freedom.'²⁹

This drive to bring the Other within the same then, extends from a general comportment towards the world that, in *Totality and Infinity*, is characterised through the ideas of 'enjoyment' 'freedom' and 'spontaneity'. The comprehensive relation permits a spontaneous engagement with the world uninterrupted by anything that might exceed reduction to the same. Freedom and spontaneity require an acquisitive and incorporative relation to otherness: a desiring intellect that 'aspires after exteriority', structured around a simultaneous *separation* and *relationality*. The Other interrupts this relation to the world. The Other calls the spontaneity of the subject into question through placing them into a

²⁹ Emmanuel Levinas *Totality and Infinity: an Essay on Exteriority* Tr. Alphonso Lingis (Pittsburgh: Duquesne University Press, 1969), p.45 emphasis in original.

relation that defies reduction and transcends the incorporative acts of consciousness. Here, in the approach of the Other, Levinas identified the fundamental experience that had not only gone undescribed by Heidegger, but also provided a position from which to describe the subject in ^{an}way that departed significantly from the Western tradition. With Heidegger and against the transcendent consciousness of philosophical modernism, he argued for an existentially emplaced subject. The definitive point of origin for this subject however, was not a primordial encounter with a world to be subsumed by thought or dwelt in through being, but rather consisted in the subject being called forth in a moment of traumatic interruption from without. This calling to account, the relation to that which infinitely resists subsumption, Levinas termed *ethics*:

‘A calling into question of the same — which cannot occur within the egoist spontaneity of the same — is brought about by the Other. We name this calling into question of my spontaneity by the name of the Other ethics. The strangeness of the Other, his irreducibility to the I, to my thoughts and my possessions, is precisely accomplished as a calling into question of my spontaneity, as ethics.’³⁰

Subjectivity begins, Levinas claimed, with the encounter with that which cannot be known, with that which resists assimilation to knowledge. The subject then, prior to its categorisation in terms of being, knowing and doing, is the subject of an interruption, of a particular relation of encounter with that which it cannot know.

Ethics and the Other.

The locus of this resistance to assimilation, that which above all cannot be categorised under a relation of comprehension, in *Totality and Infinity* Levinas identified with the face of the other human being. The face, he argued, as an encounter with all that resists and

³⁰ Ibid, p. 43.

transcends the comprehensive gaze, all that cannot be ‘thematised’ as knowledge. The presence of the Other thus constitutes a prior and distinct form of relationality. In resisting thematisation under a category, in eliding conceptual incorporation, the face resists the mobilisation of the Other as a calculable, classifiable entity within the subject’s effort to think the world:

The transcendence of the face is at the same time its absence from this world into which it enters, [...] there is a relation between me and the other beyond rhetoric.’³¹

The nature of the relation to the Other is thus characterised by the face’s refusal to be incorporated as knowledge or, as the above suggests, utilised as rhetoric. In defining this relation as ethical, Levinas’s use of the term is unusual and quite other from the manner in which it is generally deployed. Ethics, for Levinas, is not an imperative, a type of reasoning or a categorical command proceeding from rational calculus or recognition of a universal law. It is not a code of conduct or a body of norms or conventions. Rather, it is a type of relation that one experiences — the relation to that which cannot be comprehensively grasped and reduced to knowledge. Ethics is a term that describes the relation of the subject to the Other.

Why should Levinas make such a claim? Why, having proceeded to identify and analyse a mode of experience with the descriptive method of phenomenology, should he then categorise this experience with reference to a prescriptive activity? The answer emerges in his analysis of the relation to the Other. In its capacity to elude, to be truly incomparable, the Other limits the knowing subject to a particular type of relation — that of response. The relation to the Other is one of responsibility, of an acknowledgement

³¹ Ibid, p. 75.

altogether different to relations of knowing and being-with. In interrupting the spontaneous inhabitation of a world, its enjoyment as known and knowable, the Other summons the subject to an altogether different type of experience. Before any subsequent utilisation or conceptual reduction, the Other introduces an *infinite* resistance that interrupts all possibility of a relation of pure instrumentality, is '[...] infinitely transcendent, infinitely foreign'³². This inarticulate 'summoning' or 'command' to acknowledge the otherness of the Other, their alterity, is a purely ethical relation. For Levinas, there can be no other categorisation for a moment in which the subject is called to account; made to limit their place in the world in the face of something that cannot be reduced to it.

Totality and Infinity was followed by an essay, 'Transcendence and Height', in which Levinas summarised the articulation of ethics offered there. The relation of the subject to the Other could be characterised as one of radical asymmetry or 'height', to designate its distinctness from a consciousness which otherwise levels out or 'flattens' its world into a comprehensive relation. The term height Levinas takes from Descartes, who used it to suggest the transcendent nature of infinity, of a relation 'boundless' and 'overflowing', that could not be comprehensively rendered.³³ As such height, like 'face', is indicative of a relation that is metaphysical rather than ontological, ethical rather than epistemic. The implication of this was radical, since the revolution in phenomenology that Heidegger had undertaken had identified ontology as the concern of phenomenological philosophy. Not only was phenomenology now made suspect on its own terms, in that excluded that aspect of existential comportment that defined the subject, but the political

³² Ibid, p. 194.

³³ Emmanuel Levinas, 'Transcendence and Height' in Peperzak *et al*, *Emmanuel Levinas: Basic Philosophical Writings*, p. 12 and *passim*.

implication of Heidegger's failure in expressing the relation with the Other as *Mitsein* became apparent. This, for Levinas, marked a reduction of the Other and the flattening out of its transcendence so that its sole signification is that of symmetrical equality — a co-worker or fellow citizen rather than the object of a prior ethical relation. Heidegger's account is thus at best partial, placing subjects into a purely symmetrical, 'anonymous' socio-political relation at the expense of ethical experience that may serve to arrest the excesses with which Heidegger became associated:

'[...] being towards-the-other is no anonymous relationship. Heideggerian being-with-one-another seemed to me always to be a marching-together.'³⁴

Against this Levinas insisted upon the Other, that which is 'signification without context [...] meaning all by itself'³⁵ — as the fundamental datum of human sociality. The interruption by the Other, whom Levinas characterised as 'the poor one and the stranger', takes the form of a claim upon the subject:

'[...] the nakedness of the face is destituteness. To recognise the Other is to recognise a hunger. To recognise the Other is to give [...] to the master, to the lord, to him who one approaches [...] in a dimension of height'.³⁶

The contradictory analogies of lordship and poverty deliberately disrupt the possibility of the Other's claim being particularised, serving to reinforce its authority. The Other places the subject unconditionally in a relation of both respect and obligation, both recipient of a command and a conduit of charity. Within its own terms, there is no release from this

³⁴ Emmanuel Levinas, in conversation with Florian Rötzer in Rötzer's *Conversations with French Philosophers*, Tr. Gary E. Aylesworth (New Jersey: Humanities Press, 1995), p 63.

³⁵ Emmanuel Levinas, *Ethics and Infinity: Conversations with Phillipe Nemo* Tr. R. A. Cohen (Pittsburgh: Duquesne University Press, 1985), pp. 86-87.

³⁶ Levinas, *Totality and Infinity*, p. 75.

relation, nothing outside it by which it might be mediated. Ethics can thus be understood, in a fashion already implicit in the notion of ‘height’, as a relation of radical ‘asymmetry’³⁷ — a misdistribution of obligation such that ethics is essentially *unjust*. Ethics, for Levinas, is not a synonym for justice, less yet equality before justice. As we have made clear, ethics is a form of relationality, the primordial moment of human being: the call to subjecthood itself. It is also inescapable. Prior to any reflection upon my relation to them, prior to any socio-political ordering that may ensue from reflection on my situation with them, I am responsible to and for the Other. One is even responsible, Levinas insists, for one’s persecutor — such is the injustice of the ethical relation. To be an ethical subject is ‘to be responsible prior to guilt’.

The naming of this encounter as ethical, the task of finding words for it that are uncontaminated by subsequent, reflectively realised modes of experience is a difficult one. Levinas’s bringing such language to bear provoked a rigorous critique from Jacques Derrida who in his 1964 essay *Violence and Metaphysics*, accused Levinas of a performative contradiction — the naming of that simultaneously pronounced unnameable.³⁸ Levinas’s response was to develop, in his later work, a radical theory of language in which the speech act, traditionally associated with the ‘utterer’ or ‘subject who speaks’, begins with the Other and where, as Adriaan Peperzak describes:

‘The activity of speaking robs the subject of its central position; it is the depositing of a subject without a refuge. The speaking subject is no longer by and for itself; it is for the other.’³⁹

³⁷ Levinas, *Totality and Infinity*, pp. 215-216.

³⁸ Jacques Derrida ‘Violence and Metaphysics: An Essay on the Thought of Emmanuel Levinas’ in *Writing and Difference* Tr. Alan Bass (London, Routledge and Kegan Paul, 1981), pp. 78-153.

³⁹ Adriaan Peperzak, *To the Other: an Introduction to the Thought of Emmanuel Levinas* (Lafayette: Purdue

This moment of ‘saying’, which Levinas associated with ethics, he distinguished from ‘the said’, in which language passes over into the order of totality: the naming, thematisation and attribution of value through which politics proceeds. We will have cause to return to this below.

Importantly, the ethical relation Levinas describes is not private, but rather one opens out into the whole of humanity, is always already public. The face of the Other simultaneously relates me to another who is not the Other: ‘[...] the third party looks at me in the eyes of the Other [...]’.⁴⁰ The ‘third party’ [*le tiers*] is the essential political moment in Levinas’s earlier work, the point from which justice, tyranny and community are elaborated. With it arises a logic other than that asymmetry which defines the ethical relation, a socio-political order that does not diminish the ethical relation or mediate the veracity of its claim, but rather *accompanies* the prior logic of ethics. What it establishes is a relation of symmetry, the capacity for being-with as well as being-for, by which social life can proceed. The interrelation of ethics and politics is thus, for Levinas, that of a ‘double discourse’,⁴¹ a mutuality of the infinite relation of ethics and the totalising relation of socio-political administration:

‘In the measure that the face of the Other relates us with the third party, the metaphysical relation of the I with the Other moves into the We, aspires to a state, institutions, laws [...]’.⁴²

This relation between totality and infinity, between the Other who interrupts as infinite responsibility and the third party who accompanies as the necessity of equality, establishes

University Press, 1993), p. 221.

⁴⁰ Levinas *Totality and Infinity*, p. 213.

⁴¹ Ibid.

⁴² Ibid, p. 300.

the undecidable tension on which sociality rests. Justice, for Levinas, is the consequence of this tension. It is inherent to neither ethics nor politics, since the former imposes an infinite surfeit of responsibility while the latter qualifies the original, immediate wellspring of asymmetric ethics from which all responsibility emits.⁴³ Thus, for Levinas, politics presents the possibility of the administration of ethics, for the sake of ethics. It is not its replacement, but holds the promise of its realisation as justice and equality.

The distinction between ethics and politics that emerged in Levinas's critique of Heidegger generated a complex account of the interrelation of ethics, justice and tyranny. Dislocated from ethics, politics proceeds without justice, adhering to logics deriving purely from within its singular vision of totality. The essence of politics is an always-frustrated imposition of *closure*, the necessary limitation of that which remains unlimited, the decision of the undecidable, ideally, though not always, for the sake of justice. The infinite capacity of the Other to elude my comprehensive grasp is disrupted through the attribution of determinate meaning. The internal logic at play is that of 'totality', the stabilisation of meaning and delimitation of that which is always contingent. Such a formulation expresses the danger of the political, since its necessarily reductive, egalitarian dynamic contains a discursive logic of its own and is thus potentially forgetful of its origin as responsibility to the Other. The essential character of politics without the interruption of original ethics is thus necessarily and inherently totalitarian — the unlimited subsumption of alterity Levinas associated with the subject before its being calling to account. '[L]eft to itself', he

⁴³ Interestingly, Levinas describes the way in which he reassigned the notion of justice from the ethical to the political between the writing of *Totality and Infinity* and *Otherwise than Being* in Tamra Wright, Peter Hughes and Alison Ainsley, 'The paradox of Morality: an Interview with Emmanuel Levinas' in Robert Bernasconi and David Woods (eds.) *The Provocation of Levinas: Rethinking the Other* (London : Routledge, 1988), p. 171.

concludes in *Totality and Infinity*, politics ‘bears a tyranny within itself’,⁴⁴ which is to say that it seeks to subsume all within a centralised, totalising logic that would resist the Other’s interruption.

Justice and the State.

While it was never Levinas’s explicit intention to offer a ‘final’ theory of political community, there are many gestures towards one. The essence of these is the argument that politics becomes both just and justified through the establishment of ethics as a recurrent motif within political life, such that its inherent totalitarianism is continually subject to an ethical injunction. Justice emerges in a continuous mutuality of ethical and political discourse in which each is in critical relation to the other, their distinct and paradoxical natures in an ongoing process of mutual interruption. In this way, Simon Critchley has argued, Levinas establishes a notion of political community as just polity: ‘a simultaneity of ethics and politics [...] a community amongst equals which is at the same time based on the inegalitarian moment of the ethical relation’.⁴⁵ He goes on to name this vision as one of ‘radical democracy’, whereby just polity emerges in a community’s capacity to entertain the paradox of political logic and ethical obligation, of totality and infinity. At the core of this polity is an irresolvable question about the boundaries of justice, about how the ethical interruption of political life can be made proportionate to self-administration. Drawing on Derrida’s work, Critchley analyses the significance of this question — *Justice?* — to be the establishment of political life as a terrain of radically undecidable, as the impossibility of totalitarian closure. Its radicality is its impossibility, the notion that democracy is always

⁴⁴ Levinas, *Totality and Infinity*, p. 300.

⁴⁵ Simon Critchley, *The Ethics of Deconstruction: Derrida and Levinas* (Oxford: Blackwell, 1992), pp. 226-

democracy-to-come (*avenir*) and its power always extends from polity as 'the site of antagonism'.⁴⁶ Other commentators such as Paul William Simmons have read Levinas's work as a vindication of 'the liberal state', a view that stands awkwardly with his comments on liberalism and his questioning of the modern state as a means to equality.⁴⁷

Perhaps most significantly in the context of the current chapter, Levinas's work enables us to move beyond the dichotomous positioning of political community and the subject that emerged in the liberal-communitarian debate. The relation between the subject as, on the one hand, the object of ethics and, on the other, always already situated within relations of solidarity here emerges as a doubling of discourse that is both necessary and dynamic. Always containing the potential for dangerous excess, neither moment can be surpassed, since each remains constitutive for subjective life: there can be no question of deciding 'for the individual' and 'against the community' or vice-versa.

The Subject and War.

Levinas begins *Totality and Infinity* with an extraordinary and provocative preface in which he situates war in relation to ethics, morality, the subject and the Western philosophical tradition. It serves, intentionally, to orient the reader to the central concerns of his work and introduces many of its recurrent themes and questions, drawing implicitly on both his wartime experience of internment and the genocide that destroyed much of his family and the Lithuanian Jewish community from which he came.

From the outset, war is associated with the totalising tendency of politics and the

227.

⁴⁶ Ibid, p. 239.

⁴⁷ See William Paul Simmons, 'The Third: Levinas' Theoretical Move from An-archival Ethics to the Realm of Justice and Politics' *Philosophy and Social Criticism*, 1999, Vol. 25, No. 6, pp. 83-104. For some of Levinas's comments on liberalism, see 'Reflections on the Philosophy of Hitlerism' *Critical Enquiry*, No. 17,

recurring question as to whether we are ‘duped by morality’:

‘Does not lucidity, the mind’s openness on the true, consist in catching sight of the permanent possibility of war? The state of war suspends morality; it divests the eternal institutions and obligations of their eternity and rescinds ad interim the unconditional imperatives. In advance its shadow falls over the actions of men. War is not only one of the ordeals — the greatest — of which morality lives; it renders morality derisory. The art of foreseeing war and of winning it by every means — politics — is opposed to morality, as philosophy to naïveté’.⁴⁸

Truth then — the order of comprehension that envelops all but the otherness of the Other — has war as its object; the play of forces which truth apprehends are continually suspended between the presence and the possibility of war. Yet war itself, Levinas continues, explodes this truth ‘[...] destroys the identity of the same’. While ‘the visage of being that shows itself in war is fixed in the concept of totality [...]’⁴⁹ it is a totality always and essentially subject to ‘the surplus of being over the thought that claims to contain it’.⁵⁰ War, in sum, is a totalising effort to annihilate and bring to heel that which is in an essential and unsurpassable relation to totalisation.

Levinas seeks to articulate the experience of war in relation to the subject who undergoes it. The violence of war, he begins:

‘[...] does not consist so much in injuring and annihilating persons as in interrupting their continuity, making them play roles in which they no longer recognise themselves, making them betray not only commitments but their own substance [...] it establishes an order from which no one can keep his distance [...]’.⁵¹

His point (perhaps suggestive of Trotsky’s dictum that ‘you may not be interested in war,

Autumn 1990.

⁴⁸ Levinas *Totality and Infinity*, p. 21.

⁴⁹ Ibid.

⁵⁰ Ibid, p.27.

⁵¹ Ibid. p. 21.

but war is interested in you') is that, as an essential and definitive moment of totality, war foregrounds the subject's inextricability from it. War apparently uproots the subject from its most fundamental relation — to the Other. Individuals are '[...] reduced to being bearers of forces that command them unbeknown to themselves', while '[...] the meaning of individuals (invisible outside this totality) is derived from the totality.⁵² The being-with of the political relation — 'marching together' — then, is exemplified in war, wherein the meaning of the subject cannot be thought outside totality. Peace, in the common sense of 'the absence of war' meanwhile, does not deliver the subject from its deracinated state:

'The peace of empires issued from war rests on war. It does not restore to the alienated beings their lost identity. For that a primordial and original relation with being is needed'.⁵³

The 'original relation' to which Levinas refers, is that he later describes as ethics, but in the preface to *Totality and Infinity* introduces as the possibility of eschatology, which stands aside from teleological projection of a future immanent within a present play of force, to introduce a reckoning outside history. It is this reckoning, exterior to responsibility as guilt but allied to the responsibility for the Other, that issues in the possibility peace. Its demand is counterposed not to the event of war, but to relations of totality as such:

'The idea of being overflowing history makes possible *existents* [...] that can speak rather than lending their lips to the anonymous utterance of history. Peace is produced as this aptitude for speech. The eschatological vision breaks from the totality of wars and empires in which one does not speak [...]. The experience of morality does not proceed from this vision — it consummates this vision; ethics is an optics. But it is a "vision" without image, bereft of the of the synoptic and totalising objectifying virtues of vision, a relation or an intentionality of a wholly different type [...]'.⁵⁴

⁵² Ibid, pp. 21-22.

⁵³ Ibid, p. 22.

War does not end ethics as a relation to the Other outside totality, but rather ‘suspends’ those orders of morality which have passed over to it, have become part of the order of equivalence — of being-with — that war mobilises. As the locus of ‘the true’, of rational and purposive relations, war proves that we are ‘duped by morality’ when morality is understood as a codification of ethics such that we have satisfied and are delivered from responsibility. The originary experience from which such codifications begin, however — the ethical relation as Levinas describes it — is not ‘suspended’ or ‘rendered derisory’ in this way, but stays on.

Conclusion.

There is a sense in the final passage quoted above — in the particular Levinas’s association of speech with peace and the idea of ‘wars and empires in which one does not speak’ — substantially prefigures his response to Derrida. The political import of this however and the question as to how Levinas’s work might help us think more concretely about intervention discourse, will be taken up at more length in the next chapter, which attends to David Campbell’s use of it in his *National Deconstruction*. What is perhaps apparent now however, is how a moral stance — even one such as ‘Never Again’ which stands ambiguously between specific, historical events and a transcendent imperative — may itself become implicated within the normative foundation of political community. In this way then, it can both licence the disciplinary violence of intervention and mark an essentialising reduction of the Other: an apparent contradiction with which, as we will see, Campbell struggles. Further, we have begun to gain a sense of the manner in which war and the political bring about, are productive of, new subject positions: something to be taken up at

⁵⁴ Ibid, p. 23.

length in later chapters. In the counterposition of liberal and communitarian accounts of intervention ethics we saw the social contract and the subject become — through the contended idea of sovereignty — part of how the interventionary threshold is to be decided (or rather and to some degree, predecided). We also noted how, with the mobilisation of liberal norms as the basis for international peace and security after the Cold War, the moral foundation of liberal intervention ethics came to be governmentalised. In this, a significant aspect of the role of the subject in intervention can be provisionally identified, since the liberal, rights-bearing subject came to assume a new and significant place within intervention practice. The terms of transformation for both the decision as to the interventionary threshold and the practice of intervention have thus been introduced, and the centrality of the subject to that transformation has been suggested.

CHAPTER 3: LEVINASIAN ETHICS, DECONSTRUCTIVE POLITICS AND THE IDEA OF INTERVENTION IN THE WORK OF DAVID CAMPBELL.

Introduction: 'Ontotopology' and the Mystic Grounds of Political Authority.

David Campbell's work on the Bosnian conflict, above all his ambitious and often impressive *National Deconstruction: Violence, Identity and Justice in Bosnia*, utilises Levinas's writing as both a critical strategy and a prescriptive ethics. Like Weber, Campbell takes Baudrillard as a point of departure, this time as the means by which to introduce Jacques Derrida's notion of the *coup de force* as an analytical tool for the Bosnian war and international responses to it. After the Cold War, Baudrillard observed (with some rhetorical excess) that the only universal ideology has been that of 'assorted victimhoods' (*La victimalité assortie*): the locus of concern being media-borne images of distant zones of despair. Campbell expands upon this point to bring out the complicity and complacency involved in the securing of safe 'them there' and 'us here' identities with the pitying gaze.¹ Compassion assures an 'ontotopology' of moral and political distance, a distance Campbell sees sustained to debilitating effect in Western diplomatic discourse. It is this discourse, together with the 'politics of pity' and 'cultural anaesthesia' underpinning it, to which Derrida and Levinas's work is applied. This chapter will trace the central argument of *National Deconstruction* and the manner in which Campbell makes use his philosophical resources. The critical response offered toward the end of the chapter will establish a new comportment toward the ethics of intervention and provide an analytical orientation to be realised in the remainder of the thesis.

Campbell begins by noting the constitutive tensions within Western diplomatic discourse, arguing that the dislocations and reifications that follow from them serve to

¹ David Campbell 'Violence, Justice and Identity in the Bosnian Conflict', in Jenny Edkins, Nalini Persram

obscure the political character of the conflict. This politics, he asserts, is one in which the West is implicated such that far more significant questions of responsibility and justice are raised than has been allowed for in the debate over humanitarian intervention. This initial step serves to call into question the ‘othering’ of Bosnia and, in particular, the notion that Balkan politics is structurally unique:

‘The intention is to show how the intensification of so-called ethnic and nationalist conflict in places such as Bosnia, while clearly horrific, is an exacerbation rather than an aberration of the logic behind the constitution of political community [...] [T]he deconstruction of the state as subject is not restricted to those states subject to destruction.’²

Resonating with Weber’s performative account of statehood, Campbell’s last formulation here prefigures his use of Derrida’s notion of the *coup de force* not merely as an additional interpretative lever, but as a means to critique and a prescriptive politics. Like Weber, Campbell confirms the degree to which the discourses of sovereignty, law, territory and constitution ‘[...] give the appearance of simply reflecting a reality awaiting apprehension, [but] in actuality constitute that reality [...]’.³ The *coup de force* refers to the origins of these discourses that Campbell, following Derrida, describes as ‘mystical’. It has two moments, first *performance* of a foundation, an *act* of production that, second, produces its own referent as if that which it produces were independent of it. This may take the form of an interpretive act, a violent performance or a symbolic enactment,⁴ but always involves a degree of hermeneutic violence: what is established is a totalising truth claim through which communal life is grounded and a metaphysics of presence in reference to which it proceeds. Campbell illustrates with reference to the Serbian re-enactment of ancient royal burial

and Véronique Pin-Fat (eds.), *Sovereignty and Subjectivity* (London: Lynne Rienner, 1999), pp. 21-23.

² Ibid, pp.23-24.

³ Ibid.

customs in 1989. The bones of King Lazar, who ruled at the time of the battle of Kosovo, were disinterred and paraded through orthodox monasteries as they had been six centuries before. This ritual was performed at the same time as the televised digging-up and re-burying of Serb victims of World War Two Croat fascists. The intent, Campbell notes, was a populist invocation of primordial community, an effort to re-mould Serbia through a symbolic reiteration of its 'historic truth': a central effect of which being to mark the centrality of war to Serbian identity.

This *coup de force* stands as an instance of the 'ontotopological' assertion that underpins all political community. It invokes ontological 'fact', an authentic and necessary state of being, in connection with a particular *topos*: place, soil or territory. Ontotopology both invokes and sustains particular master narratives of nationhood and identity that determine what is politically possible, suppressing a multiplicity of positions and 'counternarratives'⁵ by which political life may be re-defined. Campbell's critique of Western involvement in the Balkans rests on the degree to which the nationalist narratives of a few powerful elites in the Former Yugoslavia came to be accepted and sustained by Western states. Alternative voices, meanwhile, were marginalised and frequently left to a violent fate. The interpretation of Bosnia as the site of centuries of endemic conflict was thus accepted as authoritative such that the West became complicit in its bloody realisation, while the partition brokered at Dayton secured the achievement of ethnic cleansing. The range of alternatives, local traditions and arrangements by which multiethnic communities had coexisted peacefully both prior to and *during* the Bosnian

⁴ Ibid, p. 24.

⁵ The term comes from the work of Hayden White and is applied to Bosnia in Chapter 3 of Campbell's *National Deconstruction: Violence, Identity, and Justice in Bosnia* (Minneapolis: Minnesota University Press,

conflict were, Campbell argues, ignored for the sake of a logic that identified ethnicity with territory.⁶ ‘Humanitarianism’ and ‘the morality of pity’ thus become a façade behind which failure to intervene in the name of Bosnia’s true political potential concealed itself. The fictive, performative and hence contestable nature of the *coup de force* was a provocation never taken up, but rather reified as a necessary and violently deterministic truth.

The *coup de force*, as Derrida makes clear and Campbell reiterates, is ‘violence without ground’: an act that elides the ‘mystical’ grounds of political community to proclaim its own ontotopological foundation. Deconstructing this foundation, showing its arbitrary character, opens the question of the foundation for action and the meaning of justice without resort to conventions that, accepting Derrida’s analysis, are now in question. In the wake of foundational certainties, Campbell argues that the basis for action becomes *ethical*.⁷ The ethics to which he refers is that which emerges in Derrida’s work but primarily in that of Levinas. The essential point Campbell takes from Levinas is the assertion of a fundamental responsibility towards others that precedes politics and that cannot be erased in the name of a political logic. It is this, as an extension to the *coup de force* argument that leads Campbell to assert a ‘deterritorialisation of responsibility’ as both the ethical ground for, and the correct political-strategic modality of, intervention.⁸ Doing so required that he take issue with Levinas.

3.1. The Demands of Justice: Making Levinas ‘More Levinasian’.

Noting the manner in which Levinas decentres subjectivity by ‘making it an effect of the

1998).

⁶ Campbell ‘Violence, Justice and Identity in the Bosnian Conflict’, pp. 29-33.

⁷ Campbell *National Deconstruction*, pp. 169-181. See also Campbell’s ‘Why Fight: Humanitarianism, Principles, and Post-structuralism’ in *Millennium: Journal of International Studies*, Vol. 27, No. 3, 1998, pp. 497-521.

relationship with the Other', Campbell goes on to discuss the third party as the political moment to be negotiated in reference to the responsibility such a relation incurs. The presence of the third party is that, he observes, which 'raises questions that potentially put in doubt the generality of responsibility to the Other': questions that 'suggest the need for a calculation as to the nature of responsibility'.⁹ It is here that the *proximity* of the Other¹⁰ — the non-spatial, inescapable particularity that grounds the ethical relation — becomes spatialised and, for Levinas, requires the state with its institutions and laws. This move, Campbell suggests, introduces both a *territorial* moment to the calculation of responsibility and what amounts to an idealisation of the state as 'the sovereign domain in which freedom can be exercised'. Levinas's 'faith' in the state, he concludes, 'has the capacity to overlook the restrictions on the freedom of others the state's security requires'.¹¹ In other words, the states necessitate an administration of those outside or at odds with it, in order to secure the rights of its citizens. Levinas, for Campbell, fails to recognise sufficiently and critically engage the degree to which the state operates through a delimitation of responsibility informed by its territorial bounds and interests.

In reference to this, Campbell addresses perhaps the most controversial of Levinas's

⁸ Campbell, *National Deconstruction*, p. 166.

⁹ Ibid, p.178.

¹⁰ The notion of 'proximity' for Levinas corresponds to the nature of the ethical relation. It is a means to grasp the absence of any principle of mediation (such as sovereignty or space) that might interpose between the Other and myself.

'*Anarchically*, proximity is a relationship with a singularity, without the mediation of any principle or ideality. In the concrete, it describes my relationship with the neighbour [...]. This incommensurability with regard to consciousness, emerging as a trace *from I know not where*, is neither the inoffensive relation of knowledge [...] nor the indifference of spatial contiguity. [...] The relation of proximity does not amount to any modality of distance or geometrical contiguity, nor to the simple "representation" of the neighbour.'

Levinas, 'Substitution' in *Basic Philosophical Writings*, p. 81.

¹¹ Campbell, *National Deconstruction*, p. 179.

political statements. The remarks came in a radio discussion on Jewish ethics and the State of Israel given after the massacre of unarmed Palestinians by Lebanese Christian Militiamen following the Israeli occupation of Lebanon in 1982. Those killed had been sheltering in the camps at Sabra and Chatila, which were under Israeli control but into which the Militia were allowed, supposedly to make arrests following the assassination of Bashir Gemayel, Lebanon's pro-Israeli President. Israeli troops and their political leadership stood accused of standing by while the killings took place, of not only failing to intervene but being actively complicit in mass murder. The section he picks out, as have several other scholars, is the following:

[Q.] 'Emmanuel Levinas, you are the philosopher of the "Other." Isn't history, isn't politics the very site of the encounter with the "Other," and for the Israeli, isn't the "Other" above all the Palestinian'?

[A.] 'My definition of the Other is completely different. The Other is the neighbour, who is not necessarily kin, but who can be. And in that sense, if you're for the Other, you're for the neighbour. But if your neighbour attacks another neighbour or treats him unjustly, what can you do? Then alterity takes on another character, in alterity we can find an enemy, or at least then we are faced with the problem of knowing who is right and who is wrong, who is just and who is unjust. There are people who are wrong.'¹²

Here, interprets Campbell, Levinas restricts the notion of the Other to the neighbour 'in such a way as to keep the Palestinians out of the reach of those to whom the "I" is responsible.'¹³ That which Campbell first identifies as a naïve or ill-informed faith in the state is, it appears, actually and brutally operationalised by Levinas when called to make judgements about political events. By implication, he continues:

'[...] it seems that the border *between* societies, the state border that is enabled by the transformation of alterity into enmity, (and especially those borders that separate

¹² Campbell uses the English translation published as 'Ethics and Politics' in Seán Hand (ed.) *The Levinas Reader*, p. 294. Campbell, *National Deconstruction*, pp. 179-180.

¹³ Ibid, p. 180.

Israel from its neighbours), permits the responsibility for the Other as neighbour to be diminished'.¹⁴

Campbell further substantiates this by quoting Levinas from *Otherwise than Being*: 'my responsibility for all can and has to manifest itself also in limiting itself'.¹⁵ This bounding of responsibility Campbell takes to refer to the limits of the state he further positions with regard to Levinas's observation that ethics 'hardens its skin as soon as we move into the political world and the impersonal 'third' [...]'.¹⁶

Here then, Campbell arrives at the relentless and informing tension between ethics and politics which, in the preface to *Totality and Infinity*, Levinas articulates through the necessary apprehension of war and the inextinguishable promise of peace. In Levinas's comments on Sabra and Chatila he identifies a concrete instance of how, in its passage toward moralities of convention and, ultimately, the political realm in which we might find 'an enemy in alterity', ethics is subject to the second discourse: that of totality. The relation to the Other passes into an order in which the Other is an other *amongst* others. The necessity of choosing 'who comes first' in my responsibility brings about an order of equivalence: the always-present possibility of the *effacement* of the other as Other that Levinas identifies with war. The *political* question as to where — with which institutions, borders, differentiations of political association — the point of effacement lays, is now the point of contention for Campbell. It is, he argues, a point at which an emphasis on the state and 'domestic political order' fails to fulfil 'the promise of Levinas's ethics with respect to

¹⁴ Ibid.

¹⁵ Emmanuel Levinas, *Otherwise Than Being, or, Beyond Essence*, Tr. Alphonso Lingis (Pittsburgh, PA.: Duquesne University Press, 1998), p. 128. Campbell, *National Deconstruction*, p. 180.

¹⁶ The quote is from Levinas in conversation with Richard Kearney. 'Dialogue with Emmanuel Levinas' in Kearney (ed.) *Dialogues with Contemporary Continental Thinkers: The Phenomenological Heritage* (Manchester: Manchester University Press, 1984), p. 65.

international politics'. The fulfilment of that promise — now Campbell's explicit aim in a way that exceeds the particularity of his engagement with Bosnia — requires that the challenge to the state posed by Levinas's ethics be 'carried a good deal further'. This challenge, he continues:

'[...] has to be pursued in order to maintain fidelity with Levinas's conviction that neither politics nor warfare can obliterate the relationship of the self to the other as a relation of responsibility. Indeed this endeavour might be thought of in terms of making Levinas's thought more "Levinasian" [...]'.¹⁷

Levinas it seems, was not quite 'himself', and had failed to recognise the import and potential of his own work: a potential Campbell now seeks to realise. Such a realisation he continues, should rest first upon an 'ethical attitude' fashioned in a manner 'consistent with (and perhaps enabled by) the questioning of the metaphysics of presence, especially the idea that heteronomous responsibility is our *raison d'être* [...]' Required second is:

'[...] the ceaseless folding of the ethical relation into the social effects of the ontologies of politics that harden the skin and feign presence, so that the relationship with the Other that makes these effects possible, the state among them, is never elided. In particular, this means that the heteronomous responsibility that is our *raison d'être* must be made to intervene in the claims to autonomous freedom associated with *raison d'état*.'¹⁸

Such a comportment towards others, Campbell argues, requires the 'supplementation' or 'augmentation' of Levinas's work through deconstruction. For a 'form of political life that will repeatedly interrupt all attempts at totalisation',¹⁹ a return to Derrida's account of 'the politics of decision' is necessary.

¹⁷ Campbell, *National Deconstruction*, p.181.

¹⁸ Ibid, p.181-182.

¹⁹ Ibid, p. 182-183. Campbell takes this formulation from Simon Critchley's *Ethics of Deconstruction*, p.

3.2. The Politics of Deconstruction.

Decision, and *a fortiori* political decision, for Derrida takes place against the backdrop of a ‘*radical undecidability*’ that emerges not least through understanding the organising logics of political life to rest upon the ‘mystic’ moment of the *coup de force*. This undecidability provides the grounds for the possibility of decision: without the pluralised terrain of political options, the unsurpassable ‘freeplay’ of fundamentally undetermined possibilities, decision would not be possible. If this were not the case — if the terrain in which decisions occurred were predecided — then decision would be impossible: a mechanistically determined extension of some prior logic (i.e. the political logics which extend from the *coup de force*). This undecidability, Campbell observes, also provides the basis for responsibility:

‘Were there no decisions to be made, were all choices eradicated by the preordination of one and only one path, responsibility — the ability to respond to differing criteria and concerns — would be absent.’²⁰

Undecidability then, marks the grounds for decision and, for Campbell and Derrida, responsibility. However, while this conjunction between responsibility and the possibility of decision forms the terrain of politics, it does not — by definition — manifest a determinate or imperative logic *by which a decision might be made*. This, Campbell observes, marks ‘the nub of the problem’: ‘[...] in virtue of what’ he asks, again drawing upon a formulation of Critchley’s, ‘does one make a decision in an undecidable terrain?’ For answers, he turns to Derrida’s ‘Force of Law’ and *The Other Heading: Reflections on Today’s Europe*.

The central and most informing distinction to emerge in Derrida’s work on law —

189.

²⁰ Campbell, *National Deconstruction*, p. 184

that which Campbell takes as a starting point in his supplementation of Levinas — is between law and justice. The possibility that law might be deconstructed, Campbell summarises, ‘is made possible by the *un* deconstructability of justice’.²¹ Justice, he notes, ‘is outside and beyond the law’. It is not, Derrida argues and Campbell concurs, either a principle or a foundation, nor a tradition, but rather a relation to infinity. Here he quotes a formulation for justice from Derrida, which is undoubtedly suggestive of Levinas in its phrasing but more significantly, according to Campbell, bears ‘favourable comparison’ with Levinas’s notion of justice:

‘Justice is the experience of the impossible [...] the heteronomic relation to others, to faces of otherness that govern me, whose infinity I cannot thematize and whose hostage I remain.’²²

Justice then, is ‘like the pre-original anarchic relation to the other, and akin to the undecidable.’ While the full implication of this and its questionability as a reading of Levinas will be explored below, it should be noted here that what Levinas offers as *ethics* is identified with or as *justice*. It is justice as that which ‘brings the domain of the possible into being and gives the ongoing chance for transformation and refiguration’ that both enables the law and ‘haunts’ the instant of legal decision. Decision is necessary for justice but is always an instance of the ‘undecidable in the decidable’, in the moment of its making always marks a temporal ‘cut’ across, or closure of, a relation of infinity.

This, for Campbell, issues in an imperative, not a particular formula for justice, but rather one that ‘requires us to calculate’: to be engaged with and answer the unavoidable responsibility that issues from justice as infinite or incalculable. Additionally, the imperative for decisive engagement issues from recognition that (as Derrida writes, again

²¹ Ibid, p. 185. Emphasis original.

suggestive of Levinas): '[...] left to itself [...] the idea of justice is always very close to the bad, even to the worst, for it can always be reappropriated by the most perverse calculation'. The need for 'calculating the incalculable', Campbell concludes, is a response to 'a *duty*'. It is our duty to calculate, to decide in a way that avoids and opposes 'the bad', 'perverse calculation' and 'the worst' which are all possibilities of justice 'left to itself'. This, Derrida argues and Campbell notes, that brings deconstruction into line with, and makes it a source of reinvigoration for 'the classical emancipatory ideal.'

For the Other and against totalitarianism, then, this deconstructive comportment towards the political enables Derrida and Campbell 'to preserve a distance and suspicion with regard to the official political codes governing reality' whilst retaining the ability to 'intervene here and now in a practical and *engagé* manner whenever the necessity arises'. This distinction presents a dilemma, a 'perpetual uneasiness' Derrida engaged in *The Other Heading*, where he identified a tension between a centralising tendency within 'European identity' and the possibility of its dispersal into a multiplicity of particularisms. How does one decide then, between the one option with its attendant danger of 'self-enclosed idioms' and 'petty little nationalisms' and the other that presents the possibility of a 'centralizing authority' that would 'control and standardize'?²³ How, against the undecidability of the political terrain and an array of concrete political codifications of these tendencies, does one intervene responsibly? The answer, for Derrida, is to 'invent new gestures, discourses, politico-institutional practices that inscribe the alliance of these two promises [...]' although he admits that it is 'far from easy' to see what these might be. This difficulty

²² Jacques Derrida, 'Force of Law', pp. 14-15, 22. Quoted in Campbell, *National Deconstruction*, p. 185.

²³ Jacques Derrida, *The Other Heading: Reflections on Today's Europe* Tr. Pascale-Anne Brault and Michael B. Naas (Bloomington: Indiana University Press, 1992), pp.38-39. Quoted in Campbell, *National*

though, Campbell surmises, is inherent to political decision as such; the new ‘heading’, the mode of delivery from the aporetic structure of the European situation rests on an act of invention which is mindful of its own ‘impossibility’. Further, Derrida adds and Campbell amplifies, such invention should be attentive to ‘the demands of the other heard within the call of European memory’. It is in reference to this that the ‘call to responsibility’ is realised and given substance. Campbell picks out several instances from *The Other Heading*; welcoming ‘foreigners’ in a way that ‘accepts their alterity’; criticising fascist dogma and the new ‘religion of capital’ which might be understood as its current incarnation;²⁴ cultivation of the critical tradition; respecting both the singularity of difference and the universality of formal law; remaining faithful both to the Enlightenment ideal and the limited authority of formal reason and assuming the European democratic ideal structured as a ‘promise’.²⁵

The coupling of the imperative to ‘invent’, to think otherwise, and the final thematisation of the European tradition that Campbell draws from Derrida (the promissory structure of democracy-to-come) marks the concluding orientation of his argument. Thus far, he has sought to establish as an imperative a ‘recognition of the radical interdependence of being that flows from our responsibility to the other [...]’. The provocations that derive from this, he writes: ‘give rise to a *different figuration of politics*, one in which *its purpose is the struggle for — or on behalf of — alterity, and not a struggle to efface, erase or*

Deconstruction, p. 188.

²⁴ In *The Other Heading* Derrida plays upon the double meaning of ‘capital’; on the one hand referring to a homogenising tendency resulting from capitalist economics while, on the other, the possibility of a centralised and controlling tendency within the European Identity, which he terms ‘capital’ in the sense of the capital city: a core which might diminish and destroy the particularity of the periphery. Campbell cites Derrida’s use of the term without reference to the distinction.

²⁵ Campbell, *National Deconstruction*, p. 190.

*eradicate alterity.*²⁶ The consequence is nothing less than politics that ‘demand — and thus do more than simply permit — the decision to resist domination, exploitation, oppression, and all other conditions that seek to contain and eliminate alterity’. Through ‘supplementing’ Levinas’s ethics with a reading of Derrida moreover, Campbell understands himself to have elided the former’s adherence to the state as a limit to responsibility.

The consequence of this, central to Campbell’s concluding remarks, is a substantive ‘recognition of the manner in which deconstruction’s affirmation of alterity deterritorializes responsibility, and pluralizes the possibilities for ethics and politics over and beyond (yet still including) the state’.²⁷ This disposition, he notes, issues in a considerable proximity to the project of ‘radical democracy’ pioneered in the post-Marxist work of Ernesto Laclau and Chantal Mouffe and explicitly figured in relation to Levinas, Derrida and Claude Lefort by Critchley.²⁸ Central to it is an identification of modern democracy with its originary moment as the indeterminacy of the political with the dissolution of theo-political hegemony in early modern Europe. It is this indeterminacy that radical democratic theory seeks to exercise against the ‘essentialisms’ of much modern political theorising. For example, the pluralised fixity of identity underpinning liberal accounts of ‘tolerance’ and ‘multiculturalism’ or, (as for Laclau and Mouffe) a Marxist politics resting upon assumptions of an ‘ontologically prior’ proletarian agent, give way to an ‘agonistic’ subjectivity in which identities are always ‘in motion’ with and against one another. The

²⁶ Ibid, p.191. Emphases in original.

²⁷ Ibid, p. 192.

²⁸ Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, tr. Winston Moore and Paul Cammack (London: Verso, 1985). Critchley, *Ethics of Deconstruction*, Chapter 5 and *passim*.

‘radicality’ of this move (beside the sense in which its enacts a recovery of democratic origins) further consists in an insistence on the non-coincidence of democracy with its ‘established forms’. Rather, democracy is identified as an agonistic ‘ethos’ with the potential, when necessary, to be deployed critically against those forms. Campbell seeks to articulate this in terms of a distinct disposition toward power:

‘In this context [modern democracy’s recognition of political indeterminacy] democracy recognises that its main danger lies not in the power of violence but in the violence of power. With its necessary refusal of a self-referential legitimacy or an absolutism in the name of one or other social agent, democratic power has to remain in antagonistic relation to itself.’²⁹

What makes democracy properly democratic therefore, is not any extant or possible constitutional order but ‘an attitude or spirit, an ethos, that constantly has to be fostered’, distinguished by ‘its antagonistic character and the culture of problematisation to which it gives rise’. It is properly thought of, as Derrida puts it in a formulation Campbell adopts, as democracy-to-come: a ‘striving after’ that refuses the totalising end-states which totalitarian politics seeks to introduce. Not that, he notes, such a disposition indemnifies us against the possibility of future totalitarianism. On the contrary, as ‘a political form hostile to democracy’s status as an empty place’ which seeks to ‘reoccupy [...] as a social power proclaiming the unity, totality and naturalness of its essence [...]’ totalitarianism ‘can only be expected.’³⁰ Indeed, one might suppose that it is, for Campbell, the ‘other’ against which ‘democracy’ must continually exercise itself. Totalitarianism is that which, as he puts it, is ‘*apparent to the democratic ethos and subject to engagement*’. The organising principle for his engagement with the essentialisms that emerged in the dissolution of Yugoslavia, came to be violently mobilised in Bosnia and ultimately realised themselves in

²⁹ Campbell, *National Deconstruction*, p. 196.

— and as — the discursive currency of Western intervention in that region, thus:

‘[...] goes beyond the narrow and static confines of tolerance and maintains that the active affirmation of alterity *must* involve the desire to actively oppose and resist — perhaps, depending on the circumstances, even violently — those forces that efface, erase, or suppress alterity.’³¹

‘That which is to be opposed’ however, is not that which ‘causes disturbance or irritation’ since the mindfulness of difference he seeks to promote in the democratic disposition assumes such agonistic, sometimes antagonistic relations will occur. Rather:

‘That which is to be opposed is that which, in dealing with difference, moves from disturbance to oppression, from irritation to repression, and, most obviously, from contestation to eradication’.³²

Here, at the end of his argument then, Campbell arrives at the *threshold*, and does so in the form of a question: ‘[...] how do we know when that threshold, if it is an identifiable limit, has been crossed? How do we know when the agonism of democracy has been transfigured into the violence of totalitarianism [...] how [...] do we discriminate in the name and of the principle and ethos of democracy?’³³ Now, he concludes, we reach the limit of what is possible when we ‘speak in the abstract’. Not that this marks the point at which deconstructive thought reaches exhaustion. Rather, it is the moment at which its possibilities properly reveal themselves, since what is revealed is the implication of ‘how the universal is effected by the structure of iteration’: an implication to which deconstruction is particularly attuned.

This juncture then, is not that at which the universal has been ‘worked out’ to the point where it can be ‘applied’ to specific cases as more conventional approaches might.

³⁰ Ibid, p. 203.

³¹ Ibid, p. 206.

³² Ibid.

³³ Ibid, p. 206.

Rather, the departure issuing from the threshold question functions through a realisation that ‘[...] the particular is a *materialization* of those practices that effect the universal, and the universal is an effect that appears as the *exemplification* of the many particulars.’³⁴

Campbell — presumably with Derrida’s turn to the invention of new practice in the face of the aporia of European identity in mind — takes this as the final formulation from which to return to the less abstract conjunction of war and democratic potential in Bosnia that is the central focus of *National Deconstruction*.

Like Cynthia Weber, David Campbell focuses upon the role of performativity in the production of political foundations. Both deconstruct the state as the subject of intervention through marking intervention as constitutive of state narratives and the political foundations of legitimate authority. Distinct from Weber, however, Campbell attends to the foundation of political authority — the *coup de force* — as the point of origin for an ontotopological totality that he would see interrupted through the instigation of a radical democratic, deconstructive ethos. What he takes to be important in the reinscription of ontotopological grounds through intervention is a significant *continuity* between the political foundations of the intervening and target states. Rather than the disciplinary realisation of right political foundations by an intervener against a dissident target state, he emphasises the *shared* ontotopological features by which both political communities are grounded. This shared foundation is the subject of his critique. In place of the unitary and determinate master narrative of political identity and nationhood, he seeks to introduce:

‘A variety of political strategies which *on the one hand* requires the constant pluralization of centres of power, sources of knowledge, loci of identification, and spaces of community, while *on the other hand* recognizes that each deterritorialization necessitates and results in a reterritorialization, that in turn has to be disturbed (and so

³⁴ Ibid, p. 207.

on)'.³⁵

The informing and organising notion behind this being:

'An emancipatory ideal of multiculturalism, which *on the one hand* affirms cultural diversity without situating it, while *on the other hand* recognizes that multiculturalism can itself succumb to an enclave mentality that suppresses cultural interdependence and plurality.'³⁶

The central motif for this approach (which he goes on to formulate in several ways in reference to Bosnia) is a 'deterritorialisation of responsibility' articulated in his 'supplementation' of Levinas's work with deconstruction. The problem of violence is one he identifies with a territorial delimitation of ethico-political possibility: '[T]he moral cartography enabled by the norm of ontotopology' which emerges from both the discourses of war and intervention in Bosnia and, for Campbell, in Levinas's work. That which '[bounds] the possibility of ethical space' is now subject to deconstruction. Such a deconstruction functions critically by recognising 'the powerfully sedimented nature of such limits' and prescriptively to develop 'political modes and strategies through which our responsibility to the other can be democratically if imperfectly realised.'

3.3. Governmentalisation of Ethics, Ethics of Governmentalisation: Critique of *National Deconstruction*.

Campbell's writing works to bring forth, negotiate and ultimately mobilise the aporetic space of the political. Within the undecidability of this space, he seeks to offer an array of decisions and a rigorous, imperative re-comportment toward, in particular, the politics of responsibility in international relations. The path he follows engages extant structures and rationalities of power in a way that traces the contours and delimitations inherent to them

³⁵ Ibid, p. 208, emphases original.

³⁶ Ibid, emphases original.

while seeking to place them in question in a productive fashion. The importance of his work to the present inquiry thus has several dimensions. In the first instance, it is an account concerned with political and ethical subjectivity, albeit in a manner significantly conditioned by a polemic recruitment, the implication of which will be explored below. Second, Campbell helpfully defines the relationship between ethics and politics as a terrain of critique for and within intervention discourse. For him, as for others in the academic and policy communities, the negotiation of this relationship provides the ground for judgement about intervention, not least because such negotiation yields practical effects. Third and relatedly, Campbell provides a carefully researched account of this process of negotiation in both the interventions in Bosnia and the wider response to the international political crises following the Cold War. Indeed, while his prescriptions emerge through critique of interventionary rationalities, the immanent nature of this engagement issues in a political proximity to them that, while a consequence and possible validation of his *engagé* stance, some have found troubling.³⁷ Campbell's proximity to the logics of interventionary order-making is something to which we will return; for current purposes however, it simply adds to the explicatory usefulness of *National Deconstruction*. Identifying the bounds of this utility though, and drawing from it a significant point of departure requires critical attention to his argument.

National Deconstruction achieves its prescriptive politics by identifying deconstruction as fundamental. Its argument rests upon what amounts to claim about *all sociality* as a fundamentally aporetic sphere in and against which ethics, politics and

³⁷ For example, Andreas Behnke draws out the degree to which Campbell's work rests upon an ultimately untroubled relationship with Western hegemony and what amounts to a political 'final vocabulary'. See Behnke's review of *National Deconstruction* in *Millennium: Journal of International Studies* Vol. 27. No. 3,

subjectivity present themselves and of which deconstruction is the authentic expression. The importance of deconstruction thus follows first, from its status as the essential truth of sociality as such. That ‘deconstruction is the case’ results, second, in a ‘duty’: its uptake as an ‘ethos’. Justice, for Campbell, corresponds to an infinite undecidability which — in and of itself — issues in a duty to decide. Quite aside from the continual refrain of the ungrounded and hence ‘differently figured political’ that might result from deconstruction, the indeterminacy it reveals, for Campbell, apparently yields a determinate ground. The power of this ground is such that operationalised, it is capable of re-figuring the political so fundamentally that its warlike potential might be elided. Thus, Campbell claims, for a truly effective intervention in Bosnia:

‘Deconstructive thought is at least the necessary condition for thinking about a solution that does not come from either the victory of one side over the other, or an acceptance of the logic of partition.’³⁸

The promise of deconstruction is such that the political — as a play of power that produces victors and vanquished or results in the potentially violent division of populations — is overcome. To be sure, he recognises that this outcome is only possible through the constant attentiveness that emerges through radical democracy: the ethical ‘disturbance’ of deconstruction, acknowledgement of the reterritorialisation inherent to deterritorialisation and so on. Nonetheless, the ‘fact’ of deconstruction still issues in the legitimacy of its mobilisation, while at the same time marking out as more authentically ‘ethical’ those adhering to a particular ethic of political organisation. Accepting this characterisation of Campbell’s argument, it would appear that essentialising and proceduralising indeterminacy as a prescriptive motif functions in a fashion very close to the traditional

grounding of political authority from which he seeks to distance himself. The prescription deriving from his critique of the *coup de force* thus suggests another *coup de force* in a way that might confirm Cynthia Weber's disciplinary account of intervention.

So how, if possible, are we to differentiate the grounding of political authority Campbell offers from those that he seeks to overturn? Certainly, his insistence upon continual, vigilant attention to the ungrounded ground of the political cannot escape this formal identification with the *coup de force*, since exhortation to 'permanent revolution' is a familiar one to students of totality. Significantly, the transformation Campbell seeks to introduce does not refer to the administration of particular populations at state level, but rather at the level of political foundations as such. It is a process of transformation oriented as much toward 'our' political foundations 'here' as those of our neighbours 'elsewhere'. Indeed, his intention is precisely to demote the politics of territory through which such distinctions emerge in the name of a deterritorialised responsibility. A central formulation for this, which he articulates at length in relation to Bosnia, is the fostering of local traditions of coexistence that he identifies as forms of democratic practice. Here something of a contradiction emerges however, since the value of 'indigenous' traditions — the particularity of relations of others between themselves — results in a political differentiation perhaps at odds with the deterritorialised (if pluralising) political ground Campbell prescribes. In place of the differentiations of territory, there appears to emerge a non-territorial political field in which others are differentiated — judged with a view to 'responsible' intervention — in accordance with their modes of political organisation. Thus, while political differentiation no longer refers to territory, the deterritorialised field

³⁸ Campbell, *National Deconstruction*, p. 183.

that emerges is rich with political differentiations of a confrontational nature. This, as we have seen, is the moment of the threshold question for Campbell: the moment at which a decision is necessary on behalf of democracy and against totalitarianism. Here though, he falls back upon ‘the classical emancipatory project’, which he invokes as a positive (though essentially unexamined) inheritance from the Enlightenment. This is accessed moreover, through attention to ‘European memory’, itself summoned as a positive and unambiguous means to add substance to the contentless duty to decide. In another troubling formulation, Campbell observes that:

‘[...] if we accept that totalitarianism can and might be [a future possibility] the highlighting of the constructed character of any of any social resolution means that the costs and containments of totalitarianism will be apparent to the democratic ethos and subject to engagement.’³⁹

The mark of totalitarianism appears here to be simply that it is ‘apparent to’ and ‘subject to engagement’ by deconstructively minded inheritors of the emancipatory ideal and European memory who, informed of the ‘constructed character of social resolution’, see it for what it is. That the encounter with totalising politics might be understood differently elsewhere — as might the exercise of and possibilities for democracy — is violently demoted, if only through ignoring the possible rootedness of local political traditions in wider understandings of *locale*. Campbell’s critique operates through a de-coupling of coexistence and democratic tradition from ontotopological foundations in manner that leaves unconsidered the ways in which the two might coincide. It is this uncoupling that legitimates the deterritorialisation of responsibility. The result is perhaps an inattentiveness to the possibility that democracy and coexistence might emerge in a local, tradition

³⁹ Ibid. p. 203.

constituted comportment toward the democratic that does not require, and may be highly resistant to, an ethic of deterritorialisation. A question is raised as to the relation between democratic decision making and its context within *the communities of fate* from whose past, present and future its coherence must derive. Campbell, who repeatedly differentiates the democratic ‘ethos’ from the formal institutions of democracies, appears to ignore the role of the local — of communal ‘ownership’ of and self-recognition in — democratic polity. The deterritorialisation of responsibility then, may itself stand in antagonistic relation to a democracy that proceeds in reference to ontotopological foundations. The implication here is that the deterritorialisation of responsibility *does not result in a depoliticisation of territory*. Quite the contrary, it risks bringing it to the fore, since its *raison d’être* is one that contests the territorial boundary as a matter of course and with little apparent regard for its local construction. Nor does it elide the political as a relation that produces enemies, but rather re-orders that relation, it would appear, in reference to those attuned to the emancipatory content of European memory and those apparent to them as totalitarian.

Campbell’s work thus proceeds with perhaps a greater proximity to the traditional foundation of political authority than he might be comfortable with. By extension, his prescriptions are arguably a little further from a ‘differently figured political’ than he supposes. Furthermore, that democracy as an ‘ethos’ might involve a popular, participatory relation based upon the particularity of locale is something that stands at odds with its deterritorialisation. Above all though, the function of European memory and the classical emancipatory project — as that which provides the content through which the ‘duty to decide’ is satisfied — remains ambiguous. This ambiguity however, is significant. First, in

referring back to the radical democratic re-invocation of political indeterminacy in the wake of the European theocratic order, it raises the question of the politics of territory in a new way. If that moment of indeterminacy is to be recovered as originary for modern democracy, then its relation to the territorialising politics of Westphalia becomes central, since the Westphalian conventions were among the most significant consequences of that secularisation of governance. Second, attention to European memory returns us to the ambiguity of the post-metaphysical imperative with which this section began, and which must be born in mind as we now return to Levinas's work and Campbell's departure from it.

Power and the Other.

Campbell's 'supplementation' or 'augmentation' of Levinas's work goes well beyond the simple relation of addition such words imply. Rather, the argument he offers in order to make that work 'more Levinasian' involves a substantial departure from the interrelation of ethics and politics as Levinas offered it: a departure revealing more than is made explicit in his argument. Levinas, as we have seen, repeatedly enunciated the ethical relation as *my* being called to account; the fundamental moment at which the "*I*" is made subject in the singularity of the relation to the Other; a relation of '*the-one-for-the-Other*' distinct from any relation of 'solidarity' or being-with. The particular character of the ethical relation is prior to solidarity. Its (non-essentialising) essence one of an asymmetric and maldistributed responsibility that precedes justice and subjects *me* to the unshareable burden of the Other's 'lordship and poverty'. Any logic by which I might mediate this burden, or calculate it such that another might share it with me, passes out of the ethical relation into something different. Levinas makes this point repeatedly, a good example being this reflection on one

of his favourite quotations:

‘As Alyosha Karamazov says in *The Brothers Karamazov* by Dostoyevsky: “We are responsible for everyone else — but I am more responsible than all the others.” And he does not mean that every “I” is more responsible than all the others, for that would be to generalise the law for everyone else — to demand as much from the others as I do from myself. This essential asymmetry is the very basis of ethics: not only am I more responsible than the other but I am even responsible for everyone else’s responsibility!’⁴⁰

This ‘generalisation of the law’ — with its concurrent identification of my responsibility with that of all — is precisely Campbell’s prescription. While providing an account of the ethical relation in Levinas, Campbell quickly moves to formulations in which that relation is not only generalised, but provides the basis for political action. This is clearest when, for example he talks of ‘the heteronomous responsibility which is *our* raison d’être [which] must be made to intervene in the claims to autonomous freedom associated with *raison d’état*’.⁴¹ Further, as noted above, unlike Levinas, Campbell’s formulation for justice operates through the infinite relation to the Other. Importantly, Levinas understands justice to be *for the sake of*, but *distinct from*, the ethical relation to which infinity refers and takes it to operate through a wholly different dynamic. Justice for him pertains not to the relation of the one for the Other but to the question as to ‘who comes first’? It derives from the moment of the third party, which introduces the questions of relations amongst ‘us’. Campbell carries over the *unlimited* character of the ethical relation into a sphere Levinas associated with the limitation of responsibility, with a totalising logic that renders the Other equivalent to others. There is then, even at this fundamental level of articulation, a marked difference in the *political* logics that derive from the presence of the third party. Where Levinas identifies a radical discursive shift towards political calculation, Campbell takes

⁴⁰ Levinas in dialogue with Richard Kearney in Kearney (ed.), *Dialogues*, p. 67.

the unlimited relation to the Other as an organising motif for the 'We'. The resulting and related questions as to the exact composition of Campbell's 'We', the political differentiations that issue from it and the coherence or otherwise of the politics that result, having been outlined above. For now though, it should be noted that he initiates a significant traversal from a relation of being-for to being-with — from the 'I' to the 'We' — while seeking to retain the character of the first relation in the second. The 'doubling of discourse' Levinas places at the heart of sociality is thus arguably broken down and passed over. To paraphrase and apply a formulation of Levinas's cited earlier, Campbell's position is one of 'marching together for alterity': the implicit contradiction within and effects of which must be traced.

To be sure, there is a sense in which such an interpretation is derivable from many of Levinas's formulations, to the degree that he perhaps invites such a reading and on occasion gestures towards such a move himself. This point of ambiguity is apparent in a number of places, a significant and under-examined one being his comments on power. The absence of substantial commentary on the theme of power in Levinas's work perhaps evidences a tendency towards his 'liberalisation' — a depoliticising 'Levinasianism' that takes his insistence on ethics as first philosophy to mark a delivery from any totalising politics. More significantly, it corresponds to the fragmented and apparently contradictory nature of his comments on the modalities of empowerment and disempowerment deriving from the relation of the one for the Other. For the most part, Levinas insists on the subject's disempowerment before the Other: 'the face resists possession, resists my

⁴¹ Campbell, *National Deconstruction*, p. 182. Emphasis added.

powers'.⁴² Typically, this formulation is offered in connection with the resistance of the Other to violence and murder. Violence, as we have seen, he associates less with the 'injuring and annihilating of persons' than the destruction of their alterity in being brought under a relation of totality. Thus, in *Totality and Infinity*, Levinas offers the following: '[T]he infinite paralyses power by its infinite resistance to murder, which [...] gleams in the face of the Other [...] in the nudity of the absolute openness of the Transcendent'.⁴³ The face of the Other opens up the possibility of violence.

Nevertheless, as a reduction of the Other's alterity, as with the effort to bring the Other within an epistemic relation, violence cannot succeed, cannot result in the possession of the Other by the Same (just as war can never realise the totality to which it aspires). In this sense then, the Same (and by extension the subject) is disempowered by the Other, or at least its power is called into question. Such an understanding is exemplified in Levinas's later formulation of the ethical relation as 'hostage' and 'persecution': relations in which disempowerment — the inescapable subjection of the subject — is definitive. Now, consider this from 'Transcendence and Height':

'The plenitude of power through which the sovereignty of the Same maintains itself does not extend to the Other (*Autrui*) to conquer him, but to support him. But to support the burden of the Other is, at the same time, to confirm it in its substantiality, situating it above the I. The I remains accountable for this burden to the one that it supports. The one to whom I am responsible is also the one to whom I have to respond'.⁴⁴

Here, power is identified with the responsibility of the 'I' for the Other. It appears that, in its relation to the Other, the subject is *empowered* through responsibility. The 'optics' of ethics apparently at once issues in both a burden *and* the power to bear it. The reference to

⁴² Levinas, *Totality and Infinity*, p. 197.

⁴³ *Ibid*, p. 199.

the ‘sovereignty’ of the Same in this connection meanwhile, might be taken as an allusion to the rights-giving power of political authority. However, where Levinas invokes ‘sovereignty’ in connection with the Same it would appear for the most part to refer first, to that power of spontaneity the Other calls into question, and second the singularity of the subject’s identity in the absence of the Other. Furthermore, viewed against his broader formulation of ethics, it appears this ‘burden’ refers not to any specific modality of labour — political or otherwise — but to the inescapable character of the ethical relation. This ‘power of burden’ thus appears to oscillate ambiguously between that of the hostage in their singularity and isolation and the sovereign who guarantees rights. In its formal working out though, Levinas’s account of sociality would seem to favour a distinction between the totalising power of political relations and the power of the Other to limit the claims of totality. Central to this distinction (which returns us to David Campbell’s initial point of departure from Levinas) is the particularity of the subject who undergoes ethical experience. When the ‘I’ becomes the ‘We’ the Other is — to use the most appropriate word — *effaced*. The moment of the Other’s limiting power is itself limited.

State and Responsibility.

Campbell then, takes the relation of the one for the Other to mark the dutiful empowerment of the ‘We’ who intervenes. As we have seen, Levinas gives us cause to be suspicious of such a move. Beyond this generalisation of the ‘I’ to the ‘We’ though, Campbell’s explicit departure from Levinas comes about through a critique of his ‘faith’ in the state. This departure refers both to the state as Levinas described it and as he appears to mobilise it as a delimitation of responsibility in political judgement: particularly in his response to the

⁴⁴ Levinas, ‘Transcendence and Height’, pp. 18-19.

mass murder at Sabra and Chatila. These comments and what they imply about the state in his thinking however, are rather more ambiguous than Campbell takes them to be. Indeed, it is difficult to see how Levinas's formulation of the question — 'if your neighbour attacks another neighbour or treats him unjustly, what can you do'? — vindicates the state, since this comment is immediately preceded by the identification of the neighbour with the Other. Since he makes it clear that the Other does not derive from any historical 'othering' such as that between Israelis and Palestinians — 'my definition of the Other is completely different' — there appears to be no differentiation between the Other/neighbour until violence occurs between them, at which point one faces the problem of differentiation. Here, the question is raised as to 'who comes first in my responsibility', which, as we have seen raises the question of justice in a way that is *for* — but in its internality *aside from* — ethics. It is a moment that calls for judgement, the differentiation of the guilty — 'people who are wrong' — who may henceforth emerge from alterity as 'enemies'. This, we might assume, refers to both the killers of Bashir Gemayel and the murderers of the Palestinians in the camps. By extension, it might also implicate wrongdoers in the Israeli government, the military and those who defend them. None of these possibilities contains anything like a straightforward delimitation of responsibility at the state border, even if that border is extended to include Lebanon under Israeli occupation. To the contrary, the problem with Levinas's response is that he refuses to *name the enemy*, to make the *political* decision as to 'who comes first' and to attribute guilt.

Now, there is no question that Levinas is operating here (albeit in an excessively general way) at the level of political judgement, a level he is quick to identify with the violence of war and the possibility of an enemy. Accepting that Campbell's understanding

of this passage is problematic, the question becomes that implied by this problem and how one is to understand the state and the political (or arguably indeed, the state *as* the political) in Levinas's work. While he was continually attentive to the State of Israel and the particularities of a Jewish State, it is perhaps possible to generalise about the state as it emerges in his working out of the relation between ethics and politics. As such, and taken alongside Levinas's comments on 'the enemy in alterity', what emerges is the non-coincidence of the state, the question of justice and the likelihood of an enemy. While the state may be best placed to guarantee mindfulness to the interruption of the Other, this does not exclude the possibility of differentiation — the question of justice: who is wrong, who comes first? — both within and beyond the state. Rather, it might be understood as an acknowledgement of the historical delimitation of extant powers, of 'institutions and laws' as they have presented themselves. Campbell's argument for the deterritorialisation of responsibility is therefore best understood as an engagement with that historical delimitation, rather than with Levinas *per se*. As such, his relation to the primacy of morality over law, of an 'ethics' which grounds the right foundation of political community argued for by, for example, Pérez de Cuéllar with his notion of a union between morality and law, is a close one.

The provisional implication of this for the bearing of Levinas's work on international politics is threefold. First, there is a substantial sense in which, for him, responsibility is *already* deterritorialised: my relation to the Other does not limit itself at the border. Second Levinas, not inaccurately, takes the *institutional realisation* of the question of justice (insofar as it has emerged historically) to have been achieved through the state. The reordering of political institutions internationally such that things might be

different is something about which he has little to say. Why this might be the case will prove an important question. Third, just as the relation to the Other as ethics does not stop at the border, neither does the relation to alterity as that which might produce an enemy. Just as ethics is not limited territorially, neither is the political: relations of totality do not refer to the state alone. Implicit within this, it might be supposed, is a less literal use of the term ‘state’ than Campbell attributes to Levinas, since the qualities of justice and totalisation he attributed to it exceed its historical particularity. It may be more accurate and instructive to regard ‘the state’ as a synonym for the turn to institutions, laws and relations of solidarity deriving from the interruption of the ethical relation by the arrival of the third party. ‘The state’ therefore, also refers to violence, justice and the violence of justice Levinas associates with this moment: the territorial boundary being but one modality through which they might be realised. By implication the state, understood in this more dynamic way, may be subject to radical re-configuration well beyond the extant, historic configuration of nation-states. The next two chapters consider this possibility further.

Conclusion: Ethics and Retotalisation.

Levinas’s repeated emphasis on the impossibility of the Other’s assimilation results in, as Robert Bernasconi puts it, an ‘ethics of suspicion’ towards any moral or political mobilisation of ethics:

‘The task of ethics is disturbing my good conscience, not re-establishing it [...] such an ethics would not be based on a legislative conscience which issues commands that it is in our power to meet and which thus invites the subject to aim for the satisfaction which would ensue from fulfilling all its responsibilities. A conscience formed by the face of the Other does not address the question of what I ought to do. Nor does it

leave open the possibility of complacency [...].⁴⁵

This comportment is as applicable to claims for ‘a differently figured politics’ as any other, not least because claims to an ethically founded ‘different figuration’ are commonplace within — if not definitive of — an array of political discourses. It results moreover, in an attitude toward the political that all but forbids its transformation, such that the mobilisation of ethics not only fails as an ‘immunisation’ against totalising excess but also is contaminated by — implicated in — that dynamic. The transformation of totality in the name of, for the sake of, ethics produces both a ‘flattening’ solidarity amongst ‘us’ and an enemy in alterity. That politics is ‘for the sake of ethics’ does not elide the totalising dynamic of the political: rather, it attunes us to it in a way that, as Bernasconi points out, forbids complacency.

Returning to the guiding question in our treatment of Campbell’s work: what is involved in the recasting — as an organising logic for the political — of an ethics explicitly concerned with the irreducible alterity of the Other? We have identified the nature of the discursive violence to Levinas’s categories involved — the introduction of a political mediation into the ‘doubling of discourse’ he placed at the centre of sociality, a duality he repeatedly declared a matter beyond mediation. We have seen how this non-mediative effect of ethics takes place as an *interruption* through the question of justice and how, in its passage to political institutions, it becomes inseparable from the movement of totality. What emerges then, is a question as to the political effect of this interruption: *the political effect of an interventionary disposition that would seek to be ethical*. The power of Levinas’s work, at least in the interpretation offered here, is that he at once takes ethics

⁴⁵ Robert Bernasconi, ‘The Ethics of Suspicion’, *Research in Phenomenology*, Vol. XX (1990), p. 6.

seriously, but equally articulates the point at which the invocation of ethics as justice results in its transformation. This point of transformation moreover, marks ethics' passage into a dynamic of totality that potentially annihilates the Other as Other. The movement of totality he identifies — in a way that makes little differentiation between the multiple and diverse forms which emerge in the study of totality as politics — consists in a relentless drive toward the Other's infinity. Both 'the peace of empires' and war are marked by a striving for the thematisation of the Other as, amongst other things but most importantly for the current analysis, the subject of politics. This movement initiated by the mobilisation of ethics in political rhetoric, this making the Other subject in the name of ethics, will become a broad and informing theme for the remainder of this thesis. It rests upon a claim that, for Levinas, the totalising dynamic of the political is as integral to sociality as the infinite relation to the Other. The dynamic of the political in Levinas's work thus stands far closer to, for example, 'the city of man' in Augustine's critique of the pagans, or the figure of *Fortuna* in Machiavelli — in sum, a disposition toward the constitutive excess of the political — than to the original position in Rawls. It might be stated again, in a way that will be elaborated later, as an attentiveness to the manner in which the political mobilisation of ethical discourse results in a new moment of totalisation: *the re-totalisation of totality*. What is involved in bringing the Other into the movement of totality, in making it subject (at the risk of presuming an analytical vocabulary yet to be introduced) to totality's 'technical' gaze? The initial answer (again drawing on a term to be elaborated) is a *governmentalisation* of ethics.

With the mediation of the double discourse of sociality, the otherness of the Other is no longer the moment of their transcendence, but the marker for their governmentalisation.

This is the contradiction of ‘marching together for alterity’. It suggests moreover, the derivation of a teleology from deconstruction. The Other is thematised as a motif for progress: the movement of totality towards an end-state in which it is no longer alienated from itself, or rather, no longer alienated from a version of ethics inseparable from political rhetoric. While European memory may repeatedly issue the demand ‘Never Again’, the infinity of testimony and discourse toward which such an imperative turns us — and the lordship and poverty of those who speak it — must be subject to the violence of closure, of totalisation, if it is to produce the event of intervention.

Proceeding from this point involves a number of analytical imperatives. Foremost amongst these is the recognition of a recurrent moment of delimitation in the pursuit of justice: a thematisation of that which will — always and infinitely — exceed such a reduction. The subject of intervention then, appears through a paradox. In the first instance, as the Levinasian Other, it infinitely defies its rendering as a concrete and demonstrable figure. In the second, as we have seen the exercise of intervention, in the pursuit of justice or otherwise, functions precisely on the assumption of such figures. In its concrete realisation then, the subject of intervention appears in its *strategisation*: its modal rendering in interventionary logics. This raises an array of issues; the issue as to that *left out* when the possibilities for justice in international politics are delimited through centring upon a militarised humanism; the manner in which the humanitarian modality produces and differentiates the ‘inhuman’, the question of the subject of intervention who *strategises politically* on the basis of the intervener’s declarations of responsibility. The following chapters seek to place the subject of intervention into a wider global political context.

CHAPTER 4: GOVERNANCE, NATION-STATES AND SUBJECTIVITY IN GLOBAL CONTEXT.

Introduction: the Subject and the Particularity of Power.

We have already encountered, in Emmanuel Levinas's work, an account of the Other's being 'made subject' to totality through its reduction under a comprehensive theme. It was noted that totality, as the always violent play of thematisations, has the capacity to 'contain a tyranny within itself': to 'forget' the Other's alterity such that the ethical demand it imposes is refused (but never overcome). The Other is thus both subject and always in excess of its subjection. This 'double discourse' is, for Levinas, a point of interarticulation between ethics and politics: it marks the mutual interruption — the simultaneous impossibility — of totality and infinity. At this point however, an unsettling limitation emerges in his work, one marking the central problematic for a good deal of Levinas scholarship, at least insofar as it seeks seriously to address political power. While Levinas's philosophical writing provides a critical disposition, an 'ethics of suspicion' from which the political can never fully deliver itself, it tends to leave totality undifferentiated beyond its being subject to a sliding scale of tyranny. Forms of totality can be more or less violent to the Other, more or less totalising and thus correspond to an index marked at one extreme by just polity and at the other by war and genocidal totalitarianism. Both of these involve the Other's subjection and resistance and hence can never be fully realised according to their own immanent logics. Beyond this however, Levinas has little to say about the particularity — that described below as the 'idiomatic' nature — of power.

This is not to suggest that Levinas did not make discrete political judgments, public and otherwise, during his lifetime. (In this respect, David Campbell's governmentalisation of Levinas's ethics is in no real sense 'out of step' with the spirit of his work). Rather, it is

to suggest that Levinas's *philosophical* position makes these judgments significantly different in nature: places them into an order of totality where they too are *necessarily* 'suspect', as several of the responses to his remarks on the killings at Sabra and Chatila perhaps attest. This disjuncture between the necessity of discrete judgments — engagements with and contribution to the play of totality *as* particular and idiomatic instances of power — provides a key point of contention for those seeking to interpret his legacy to political analysis. Did Levinas, in his philosophical work, provide an 'applied ethics' or a 'practical politics'? In the strictest sense, no. His critical contribution was to excavate the conditions of possibility for, to trace the metaphysical limits to, a political world in which 'application' and 'practicality' are a necessity. What emerges from his work is a broad, informing and always provocative orientation toward the political. It is an orientation that should be valued all the more in an era where human totality has — as several of the authors engaged below suggest — with the idea of 'the global' come to the centre of political discourse. To provide a more comprehensive analytical approach, we will turn to Michel Foucault's work.

There are a number of difficulties in talking about Levinas and Foucault together: they appear quite distinct in their comportments toward the subject as the field in which ethics and politics are conceptually articulated and practically realised. Levinas's account rests upon a phenomenology of the subject in its pre-subjectivity, the disposition of a consciousness whose singularity and capacity for reflexive thought emerges only through the Other's introduction of an unhealable wound in its spontaneity. It is an account that seeks the preconditions for reflexive life, so much so that the phenomenological method itself is called into question. As a teacher of 'care for the self' however, Foucault's

imperatives would seem to rest upon a necessarily hyper-reflexive analysis of the play of power in, through and against which the subject is defined and required to define itself. This however, is not the place to work through, comprehensively and in depth, the question of power and the subject in Levinas and Foucault. Rather, what is required is a consideration of the subject and power as a means to situate the subject of intervention in relation to the play of totality that has driven and shaped the new interventionism.

With that in mind, this chapter engages the nation-state and international governance in relation to ideas of ‘globalization’. What is sought is an account of the subject beyond the state: the subject defined — as we shall see — neither by the social contract in its horizontal or vertical dimensions, nor through appeal to some ‘universal’ or deterritorialised essence. Rather what is identified in this chapter as the subject as a complex of thematisations, the subject of a multitude of strategies, political and governmental, that work through and within the state, but ultimately exceed it. It is this account of the subject in global political context that both deepens and provides a greater sense of the significance of the subject of intervention.

4.1. The Subject and Power.

In a late essay, ‘The Subject and Power’, Foucault sought to recast all his work including that on power as ‘a history of the different modes by which, in our culture, human beings are made subjects’.¹ He identified three areas of attention through which he had already proceeded. The first of these referred to the uses of ‘science’ (a term deployed broadly to cover systematic knowledge such as linguistics and economics) in the attribution of

¹ Michel Foucault, ‘The Subject and Power’ in James D. Faubion (ed.), *Power: Essential Works of Foucault, 1954-1984, Volume 3* (London: Penguin, 1994), p. 326.

objective properties to people: for example, through calculations of individual's average labour capacity in economics. The second referred to the 'objectivizing of the subject' through 'dividing practices' in, for example, medical and legal procedure (practices with the power to divide subjects within themselves as well as divide them from the rest of society). Finally, his late work centred upon 'subjectification' as 'the way a human being turns him or herself into a subject'. To these, he now added a fourth form of analysis: 'a new economy of power relations'. The analytical focus of this was to be 'forms of resistance against different forms of power' such that it might become possible to analyse power relations through 'the antagonism of strategies' rather than through attention to their 'internal rationalities'.² These antagonistic power relations were not those, for example, associated by Marxists with a general account of contesting class interest, but rather the particular resistances that emerge to specific 'forms' or 'techniques' of power, particularly those which determine 'who we are':

'This form of power that applies itself to immediate everyday life categorizes the individual, marks him by his own individuality, attaches him to his own identity, imposes a law of truth on him that he recognizes and others have to recognize in him. It is a form of power that makes individuals subjects. There are two meanings of the word "subject": subject to someone else by control and dependence, and tied to his own identity by a conscience or self-knowledge. Both meanings suggest a form of power that subjugates and makes subject to'.³

While he describes numerous contemporary sites of struggle against such 'abstraction' and 'subjectification', Foucault also identifies several historic forms it has taken since the Middle Ages. In particular, he highlights the Reformation as 'a great crisis of the Western experience of subjectivity' and the moral and religious forces that formed it. Relatedly and importantly, he emphasises the relationship between struggles over subjectivity and the rise

² Ibid, p. 329.

of the modern state. Rejecting any suggestion that the state is a formation unconcerned with individuals, he characterises the modern form of state power as one of a hybrid combination of political techniques: both 'individualizing' and 'totalizing'. 'Mechanisms of subjectification', he asserts, are not merely the terminal moment of higher processes which, as it were, go on above the heads of individuals later to trickle down and imprint themselves as reifications. The field in which subjects are produced, produce themselves, resist, elide and conform is not divorced from other less individualising social and economic processes of state, rather is exist in '*complex and circular relations with [these] other forms*'.⁴ The subject's capacity to exceed its subjectification, for Levinas a formal (if profound and determinate) necessity, is for Foucault realised concretely in the quotidian resistances and elisions of subjects within the modern state. This excess is nothing less than definitive for the field in which power is realised, and thereby the field of antagonism in which subjects realise themselves.

The Decline of Juridical Power?

Significantly, Foucault took the place of law and sovereign power to be less and less relevant in the modern state. His comments on law in modern society appear dismissive and commentators have frequently interpreted them as such. Volume One of *The History of Sexuality* offers perhaps the most concise formulation:

'[...] the juridical is increasingly incapable of coding power, of serving us as a system of representation. Our historical gradient carries us further and further away from a reign of law [...]'.⁵

³ Ibid, p. 331.

⁴ Ibid, p.332, emphases added.

⁵ Michel Foucault, *History of Sexuality Vol.1: An Introduction* tr. Robert Hurley (London: Penguin Books,

Thus, in *Discipline and Punish* the constitutional foundation of bourgeois order — ‘[...] an explicit, coded and formally egalitarian juridical framework, made possible by the organization of a parliamentary, representative regime’ — serves as little more than a source of rhetorical contrast in reference to which more significant ‘non-egalitarian and asymmetrical’ forms of discipline might be highlighted.⁶ When, in later work, the problematic of power became that of ‘governmentality’ constitutional change is still taken to remain ‘[...] at the stage of the formulation of the general principles of public law’:⁷ a purely formal arrangement of power that, with the decline of sovereign authority, becomes less and less expressive of the subjectivising nature of modern power. Rather, law represents the purely formal expression of power, its chosen means of self-presentation. Seeking a corrective to this ‘expulsion of law’, Alan Hunt and Gary Wickham argue that, while Foucault is correct to stress that social regulation ‘is not and never has been synonymous with or bounded by law’:

‘[...] in late modernity [...] the trajectory of law is far more complex than he is prepared to admit. A more adequate account needs to stress a persistent increase in the range, scope and detail of legal intervention that produces a general movement towards an expanding legalisation and juridification of social life’.⁸

Noting an ‘expansion’ of juridical power, Hunt and Wickham place themselves (and seek to place Foucault) within the prevailing orientation within socio-political analysis of law. This view is stated variously and deserves attention not least for the eminence and differing conceptual orientations of those who share it: F. A. Hayek and Jürgen Habermas, for

1978), p. 89.

⁶ Michel Foucault, *Discipline and Punish*, p. 222.

⁷ Michel Foucault, ‘Governmentality’ in Graham Burchell, Colin Gordon, and Peter Millar (eds.), *The Foucault Effect: Studies in Governmentality with Two Lectures by and an Interview with Michel Foucault* (Chicago: Chicago University Press, 1991), p.98.

⁸ Alan Hunt and Gary Wickham, *Foucault and Law: Towards a Sociology of Law as Governance* (London: Pluto, 1994), p.66.

example, both diagnose the progressive ‘juridification’ of modern European societies.⁹ The next chapter further takes up the idea of juridification and discusses it in global political context.

The recognition of the interrelation between ‘subjectification’ and modern power, Foucault argues, issues in new comportment towards not only the analytical problematic of political modernity, but how we should think about ethical and political problems within that context. The central question is that of how to resist and go beyond the ‘forms of individuality’ introduced by the modern state. To do so requires that the question as to *how* power is exercised be asked. It is this question of the ‘how’ of power — rather than ‘what is’, ‘by whom’ and ‘why’ — he engages since, for Foucault, this approach permits an attentiveness to the ‘complex configuration of realities’ that is its concrete and contemporary realisation. Such an approach moreover, elides the dead-end of metaphysical abstraction; ‘to begin the analysis with a “how”’, he writes, ‘is to introduce the suspicion that power as such does not exist’.¹⁰ The question of power ‘*as such*’ is foregone so that particular ‘thematics of power’ can be addressed. Power then — state, sovereign, juridical, pastoral and so on. — is always *idiomatic*,¹¹ some *form* of power to be identified by and discussed in accordance with, the ‘how’ of its procedures:

‘For let us not deceive ourselves: if we speak of the power of laws, institutions, and ideologies, if we speak of structures or mechanisms of power, it is only insofar as we suppose certain persons exercise power over others. The term “power” designates a relationship between “partners” (and by that I am not thinking of a game with fixed rules but simply, and [...] in the most general terms, of an ensemble of actions that induce others and follow from one another)’.¹²

⁹ Ibid, n (2)4, pp. 134-5.

¹⁰ Ibid, p. 336.

¹¹ This formulation is taken from Professor Michael Dillon (in conversation with the author).

Power is distinct from the ‘objective capacities’ of people and institutions and from ‘relationships of communication’, although both of these can produce effects on and of power. It exists in its exercise ‘by some on others’ and can function as much through incorporation and consent as coercion since it is not required to act directly and immediately upon others, but rather ‘act upon their actions’, realising itself in their ‘possible or actual future or present actions’. Beyond destructive and coercive relation of violence, power in this sense is a relation in which the freedom of the subject is preserved:

‘[...] “the other” (the one over whom power is exercised) is recognized and maintained to the end as a subject who acts [so that] faced with a relationship of power a whole field of responses, reactions, results, and possible inventions may open up’.¹³

Violence then, is a modality of power rather than its ‘essential nature’. ‘In the extreme’, he concludes, power may constrain or forbid absolutely, but it remains ‘a way of acting upon one or more acting subjects by virtue of their acting or being capable of action’. Power prescribes, delimits and enables the present and future field of possibility for action, to which the freedom of subjects is essential. For Foucault ‘the other’, who is the subject of power, becomes the site in which its particular and idiomatic form is realised. Of these forms, he identifies two that have been particularly important within modern societies: ‘pastoral power’ and ‘governmentality’.

Pastoral Power.

Amongst the most important strategies of the modern state and concurrent with its increasing secularisation, this particular, individualising mode of power that originated with

¹² Foucault, ‘The Subject and Power’, p. 337.

¹³ Ibid, p. 340.

the institutionalisation of Christianity received a 'new political shape'. Its essential features though, remained the same. Foucault offers several by which it can be differentiated from other forms. Pastoral power (distinct from sovereign power which demands that subjects sacrifice themselves to save the throne) while it 'commands', 'must also be prepared to sacrifice itself for the life and salvation of the flock'. Unlike juridical power, pastoral power attends not only to the good of the community but cares for each individual within it for the duration of their life and with a view to their salvation afterwards. It is also a form of power concerned with the production of truth 'the truth of the individual himself'. It cannot be exercised without 'knowing the inside of people's minds [...] exploring their souls [...] making them reveal their innermost secrets'.

Far from retreating with the decline of the Church, argues Foucault, pastoral power has been the subject of a massive transformation and dispersal. The salvation of souls for the next world, he observes, has been transformed into a secular, biological salvation in this one: life is saved through providing for health, general well being, security and the minimisation of risk. In this sense the 'laws of truth' to be imposed upon the subject and the immanent social truth through which the subject is recognised as such pass substantially beyond the confessional and become systematically and quantifiably realised within an order of care and provision. The forms taken by the pastoral function became diverse, spreading through 'the social body' both as public institutions such as the police and hospitals and private ones such as benevolent societies and the commercial provision of medical care. Rather than finding itself in opposition to other kinds of power (sovereign, juridical and so on) pastoral power was thus taken up as a guiding logic for a multitude of forms: Foucault cites psychiatry, education and employment practice as examples.

Governmentality.

Noting that power is less an adversarial confrontation than ‘a way of behaving within a more or less open field of possibilities,’ Foucault introduced the idea of power as a ‘conduct of conducts’. This account of power as action upon subjective possibility lent itself to a further thematisation of power in his work: ‘government’, or more specifically ‘governmental rationality’ and (to introduce Foucault’s neologism) ‘governmentality’.¹⁴

The term ‘government’ in this context derives from the broad, early-modern usage referring to the ‘direction of individuals and groups’ as much as the management of political structures and states. Its form has been that of the historic negotiation of particular circumstances, the interplay between the transforming problematic of social, political and economic life and the multiple forms of power by which it has been comprehended and addressed. From the perspective of government then, the nature of these problematisations exceeded attention to the conduct of individuals in way that distinguishes it from pastoral power (although Foucault was quick to note the intimacy of their relation). Very broadly, government’s objective was ‘the governing of things’; ‘things’ referring to the array of concrete, relationally realised factors which subjects are required to negotiate. As Foucault puts it:

‘I do not think this is a matter of opposing things to men, but rather showing that what government has to do with is not territory but rather a sort of complex composed of men and things. The things with which in this sense government is to be concerned are in fact men, but men in their relations, their links, their imbrication with those other things which are wealth, resources, means of subsistence, the territory with its specific qualities, climate, irrigation, fertility, etc.; men in their relation to that other kind of things, customs, habits, ways of acting and thinking etc.; lastly men in their relation with that other kind of things, accidents and misfortunes such as

¹⁴ See particularly Foucault’s ‘Governmentality’ lecture in Burchell et. al., *The Foucault Effect*.

epidemics, death, etc'.¹⁵

As such, analysis of government is required to attend as much to '[...] critique, problematizations, invention and imagination [and] the changing shape of the thinkable' as "the actually existing".¹⁶ This field of relations — 'neither warlike nor juridical' — is that of government. It assumes and operates through the freedom of subjects and emerges as an 'agonistic' and multiple relationality composed less of confrontation than 'permanent provocation' as governmental rationalities are resisted, incorporated and transformed by subjects. From this perspective, institutions (such as states) should be interpreted through the kinds of power relations that comprise them, rather than vice versa (hence Foucault's remarks regarding the possibility and importance of "cutting off the king's head" in political analysis).

Of particular importance in the current context is Foucault's assertion that historically, the emergence of governmental rationality in the modern state has been accompanied by a shift in focus from territory to *population*. In this way, he suggests, the concern for the securing, possession and management of territory ceased to be the central function of statecraft. Rather, government centred upon the broad idea of 'economy', which served to establish both the appropriate range of political power and centre its problematic upon the correct disposition of population for the maximisation of trade and production. The emergence of liberal governance, for example, was intimately linked to that of *laissez-faire*. That economy had realised itself as a fact of social life required its identification with an *autonomous* rationality, and hence its own distinct forms of conduct.

¹⁵ Foucault, 'Governmentality', p. 93.

¹⁶ Colin Gordon, 'Governmental Rationality: an Introduction' in Graham Burchell et. al., *The Foucault Effect*,

The function of liberal government then, was not to conduct economy but rather, following Foucault, ‘conduct economic conduct’. Commenting on some of Foucault’s unpublished lecture notes, Colin Gordon observes:

‘*Laissez-faire* is a way of acting, as well as a way of not acting. It implies, in Foucault’s words, an injunction “not to impede the course of things, but to ensure the play of natural and necessary modes of regulation, to make regulations which permit natural regulation to operate”: “*manipuler, susciter, faciliter, laissez-faire*.”’¹⁷

As the injunction to ‘handle, dispose, facilitate, let-do’, Foucault’s description of *laissez-faire* marks out the extent to which ‘natural regulation’ is always already determined by a governmental rationality that is its condition of possibility. Its success, like that of all forms of government, lies in the interplay of governmental conduct of conduct, the uptake of that conduct by the governed and the adaptations of both government and conduct that follows. Governmentality proceeds as much through the practices of the governed — Foucault would say ‘subjective techniques’ — as the political techniques of government. Thus, in the case of *laissez-faire*, the challenge of government is to conduct *and* let-do economic conduct such that the ‘natural’ regulatory logics of the market are optimised for the production of wealth.¹⁸ While subject to historic variation, governmentality thus truly succeeds through being realised independently of central authority so that, arguably, its dynamic — dispersed, dislocated, subject to local reconfiguration and exemplified by *laissez-faire* — is that of dissemination.

The importance of Foucault’s analysis is twofold. On the one hand, it identifies

p. 8.

¹⁷ Gordon, ‘Governmental Rationality’, p.17.

¹⁸ In this way, for example, Foucauldian analysts of Thatcherism have been able to discuss a ‘degovernmentalisation of the state’ which is anything but “‘de-governmentalisation” *per se*’. See Andrew Barry, Thomas Osbourne and Nikolas Rose (Eds.) *Foucault and Political Reason: Liberalism, Neo-liberalism*

some of the distinctive forms of power through which the modern state has come to operate. On the other, it offers a number of broad orientations towards the place occupied by the subject within those forms: for Foucault a central one. The point of juncture between these consists in a simultaneous identification of the limits of direct state power and the autonomous spaces, such as ‘economy’, which result. Approaching power through the question as to *how* it operates reveals the manner in which the production of autonomous spheres both presupposing and operating through the freedom of subjects has been central to the rise of contemporary political power. The success of modern governance rests on the dissemination of its problematics, the presumption of a self-organising social and political capacity in which ‘complex circular relations’ exist between state and subjects.

Further applying these insights to the current analysis, requires some sustained attention to contemporary forms of governance and state power in global context. Through Levinas, we have begun to understand subjectivity not as some necessary essence to be elucidated as a means to a final account of political foundations, or as an extension of such an account. Rather, as Other, the subject is to be understood as a site of excess that precisely refuses such a foundation or, at minimum, disposes us toward an ethics of suspicion. Intervention then, when understood — following Cynthia Weber — as an attempt to realise political foundations, stands in an ambiguous relation to the subject: an act of violence in which the subject is thematised. Through Foucault, we gain an elaboration of the means by which such thematisations can be identified and further understood: a means to particularise subjectivising strategies — the plays of power from

which totality derives — as specific effects within interventionary operations. These strategies though, cannot be grasped without reference to the context in which they exist and indeed, that which Foucault elaborated: namely government and the activities of state as productive of the fields in which subjectivising power is realised. The remainder of this chapter seeks to identify and offer some analysis of these in their contemporary global context.

4.2. Hyperglobalization and its Critics.

Globalization against the State.

In a seminal and hugely successful work of ‘first wave’ or ‘hyperglobalization’ writing, international business guru Kenichi Ohmae set out to refute the primacy of a world defined by the ‘arbitrary, historically accidental boundaries’ of nation states. Instead, he offers a vision of the end of Cold War as the dissolution of the last global breach, the end of geospatial limits to investment and of the emergence of nomadic, networked capital flowing at unprecedented speed across a smooth, unbroken global surface. The historic linkages between state and industry, the ‘Old World’ of determinate links between national government, production and capital has given way to one of multinationals shaped by ‘the desire — and the need — to serve attractive markets wherever they exist and to tap attractive pools of resources wherever they sit’.¹⁹ New information technologies yield possibilities for strategic control such that industrial capabilities, previously contained within personnel and expertise physically present at the point of production, can now ‘reside in the network and be made available — virtually anywhere — as needed’.

Mitchell Dean, *Governmentality: Power and Rule in Modern Society* (London: Sage, 1999), Ch. 8.

¹⁹ Kenichi Ohmae, *The End of the Nation State: The Rise of Regional Economies* (London: HarperCollins,

Ohmae's world is populated not by subjects defined by their national affiliation but by patterns of consumption, their desire for 'the best and cheapest products, no matter where they come from'. He identifies global social convergence around a 'new melting pot' of consumer tastes and lifestyles, such that 'politics, [the] certain knowledge [...] of who was "us" and who was "them"', defined in terms of 'the outdated vocabulary of political borders' is in retreat.²⁰

These sites of transformation provide the basis for Ohmae's vision of the 'Borderless World': a world struggling to liberate itself from the 'awkward and uncomfortable truth' that the 'cartographic illusion' of a world divided into nation states 'no longer works'.²¹ The nation state, he concludes, is an increasingly 'unnatural' unit, at best the expression of a moribund 'transitional mode' for the organisation of economic affairs, at worst an increasingly unwanted obstruction to the smooth functioning of globalising capital.

Like many less influential and articulate hyperglobalisers, Ohmae's work celebrates the demise of the state as evidence of an emergent order where virtuous circles of commerce and consumption unify and unite. Its appeal — the exact content of which perhaps merits more analysis than can be offered here — lays not simply in questioning the relevance of traditional sites of political authority but in questioning the authority of the political as such. Ohmae assumes the erasure of the subject of politics just as surely as the erasure of the spatial limit. These assumptions, both predicated upon and informing of a discourse of transition, construct and unsettle an authoritative order in the name of another,

1995). p 3.

²⁰ Ibid, p.8.

²¹ Ibid, p.20.

whose time has apparently come.

Other analysts however, regard the same emergent transnational capital form with concern. Susan Strange, for example, concurred that the world markets:

‘[...] are now more powerful than the states to whom ultimate political authority over society and the economy is supposed to belong. Where states once were the masters of markets, now it is the markets which [...] are the masters over the government of states’.²²

Like Ohmae, she identified the centrality of technological transformation in altering the ‘state-market balance of power’:

‘[...] the governments of all states, large and small, strong and weak, has been weakened as a result of technological and financial change and the accelerated integration of national economies into one single global market economy’.²³

Strange’s work however, contains none of Ohmae’s assumptions about the ‘transitional’ nature of states: in particular, the distinction between politics and economy by which he is able to argue from the contention that states are no longer ideal ‘business units’ to their increasing political irrelevance. Her orientation was quite different and considerably more sophisticated, conceptualising politics as a field of endeavour and effect exceeding narrow association with state authority. Strange recast politics to include ‘[...] all sources of authority, all with the power to allocate values’: ‘basic values’ being security, wealth, justice and freedom.²⁴ She noted the effect of this move upon many conceptual issues within international relations, not least the ‘actor problem’ that extends from the analytical primacy of states. Basic values are subject to influence by ‘classes, generations, genders, and multiple social groups and associations’. ‘The Market’ moreover — unlike Ohmae’s

²² Susan Strange, *The Retreat of the State* (Cambridge: Cambridge University Press, 1996), p.4.

²³ Ibid, p.12.

²⁴ Ibid, p.38.

free and essentially undifferentiated combination of investment, production, strategic technologies and consumption — is pluralised to allow for the degree to which ‘in reality [...] some markets are more or less “free”, some entirely or partially managed by governments or cartels, and some by dominant firms’.²⁵

It is within this broad array of authoritative actors, their varying influence on multiple forms of value and differing markets that Strange seeks to identify the functions of authority within international political economy, who is exercising it, to what end and with what consequences. Empirical analysis of a range of non-state sources of authority — transnational corporations, international governmental organisations, transnational criminal cartels and the international financial services sector — led her to conclude that they have become sites of increased *political* significance, while a broad ‘retreat’ of state authority is taking place. Many traditional responsibilities held and needs met by states are no longer held or met by anyone. Despite an array of pretences to the contrary, a ‘yawning hole of non-authority’ she refers to as ‘ungovernance’ has emerged.²⁶

The full range of Strange’s analysis can only be hinted at here. At present, several points are of note. Placing aside the difference in their scholarly depth and critical orientation, there is a broad continuity between Strange’s analysis and that of Ohmae with regard to the relation between economic globalization and the state. For both, states are being rendered less important, are significantly decentred as the locus of political authority by globalizing processes. For Ohmae this validates the global market, zero-sum fashion, at the expense of a now irrelevant state. The market has ‘won’ the contest to be the basic

²⁵ Ibid, p.38-9.

²⁶ Ibid, p.14.

referent for the conduct of human affairs and governments ought to recognise the operational imperatives that follow. For Strange however, there is loss but no gain: authority goes unexercised, its effects unrealised and so needs and obligations go unmet. The state is analytically distinct from the complex of technical, financial and political processes that both authors identify with globalization, such that it is demonstrably impeded (Ohmae would say superseded) in many traditional governmental responsibilities.

4.3. Hirst and Thompson: 'Inter-national' Economy and the Limits of 'Hyperglobalization'.

This broad synchronicity between Ohmae and Strange marks the basic orientation of 'hyperglobalization' writing. It proceeds from the assumption that state level, domestic governmental strategies can be shown to be analytically distinct from and in contest with globalizing processes with the effect, as Paul Hirst and Grahame Thompson succinctly observe, of polarising debate such that:

'Globalization theorists tend to rely either on the providentialist assumptions derived from a simplistic reading of neo-classical economics, that as markets approach perfection and freedom from external intervention they become more efficient as allocative mechanisms, or on the gloomy suppositions of the Marxist left, that international capital is an unequivocally malevolent force and one indifferent to national or local concerns. In the former case public power is a virtual irrelevance and its actions (beyond the essential tasks like the protection of property) can do little but harm. In the latter case, political authority submits to the will of capital and can do nothing to counter it within the existing world system'.²⁷

In the opening argument of their extensive historical analysis and critique *Globalization in Question*, Hirst and Thompson contend that the terms of this opposition might be better regarded as a potent and disempowering contemporary mythology than expressive of any

²⁷ Paul Hirst and Grahame Thompson, *Globalization in Question: The International Economy and the Possibilities of Governance*, 2nd Edition, (Cambridge: Polity Press, 2000), p. 274.

emergent global re-ordering. Like classical myth, globalization discourse serves to reconcile individuals and societies to that which is apparently beyond their control, to a world made up of potentially capricious forces with which one complies or accepts the consequences.²⁸

This analysis of the hyperglobalization thesis suggests a powerful and determinate relationship between the comportment of subjects and an emergent totality, since what is at stake is nothing less than the ordering principles of human society on a global scale. As the manner in which individuals are placed in constitutive relation with humanity globally, it would appear to exclude exteriority and issue in the principles of division, objectivisation and for some, resistance, by which contemporary totality is negotiated. The site in which its determinacies are realised is the quotidian relations between individuals, their patterns of consumption and the apparatuses of state to which they are subject. For Hirst and Thompson though, it contains an array of flawed assumptions.

Their corrective rests, in the first instance, upon an historical analysis of trends towards the increased ‘internationalisation’ of economy: the comparative interdependence of nationally based economies since the end of the Nineteenth Century. Using this measure, they argue that the level of global economic interdependence was greater during the period of British hegemony leading up to the First World War than at any time during the *pax Americana* after 1945 — up to and including the period to which hyperglobalization analysts attend.²⁹ Two important observations follow from this: firstly the excessive ‘presentism’ of the hyperglobalization thesis and secondly, the array of social and political ‘contingent factors’ which have historically conditioned economic

²⁸ Ibid, pp .6-7.

internationalism in a manner which disrupts the unspoken teleologies — dystopian or otherwise — of globalisation discourse. More importantly for the current analysis, this historical survey yields the conceptual basis for a wider critique and an argument as to the possibilities of global governance.

Contemporary trends in international political economy can, for Hirst and Thompson, be distinguished from the properly ‘globalized’ model that underpins first wave argument. Analysis of foreign direct investment, trade and the international strategies of multinational and transnational companies since the early 1980s reveal a strikingly different picture from that offered in many popular and academic accounts of the global market. Against the autonomous, systemically independent and socially dislocated features of a properly global economy they find an ‘inter-national’ system based almost entirely on national economies — predominantly those of the ‘G3’ states: North America, Europe and Japan. Further, while there are strong trends towards increased interdependence between these economies, the nature of this interdependence is decidedly ‘strategic’: determined that is, by state-located and state influenced calculations of economic advantage rather than ‘systemic’ supra-state logics.³⁰ Corporate activity meanwhile, is only in rare instances properly ‘transnational’ in the sense that it lacks a nationally specific centre. Rather, corporations tend towards ‘multinational’ operations whereby firms find it to their advantaged to remain nationally based while having significant centres of operation in other states, again, predominantly within the G3. Analysis of international bodies for the governance of trade, specifically the World Trade Organisation (WTO), serves to reiterate the state-driven nature of current economic internationalism, both in the negotiations from

²⁹ Ibid, p. 60 and *passim*.

which it derived and the ‘representational’ structure through which it operates.³¹ The increased internationalisation of economy with which globalization writing concerns itself is thus not substantially ‘globalized’ where that term implies systemic detachment from national economy. The advantages identified by Ohmae and — to a lesser extent — the governmental challenges which Strange associates with the global market, insofar that they exist, pertain largely to the G3 states.

International Dimensions of the Modern State.

Hirst and Thompson conclude by assessing the political implication of their analysis; specifically, they address the current and future role of nation-states in the exercise of international governance. Beginning with the origins of modern sovereignty in the consolidation of power and territory in the seventeenth century, they mark the degree to which the possibility of sovereign statehood derived ‘from without’, internationally, through states’ legal agreements to observe each other’s territorial authority.³² It was this, they argue, that established the ground for ‘most of the other features of modern politics’. The primacy of the state within its territorial boundaries realised itself in an authoritative monopoly on the means of violence. Internally, only the state could exercise violence legitimately, while in international relations the prerogative to wage war was theirs alone. The ‘society of states’ thus became:

‘[...] a world of self-sufficient entities. Each acting on its own will [...]. International relations could be conceived as ‘billiard ball’ interactions, limited by mutual recognition and the obligation to refrain from interfering in the internal affairs of other states [...]’.³³

³⁰ Ibid, pp. 94-96 and *passim*.

³¹ Ibid, pp. 210-211.

³² Ibid, pp. 257-8.

³³ Ibid, p. 258.

In addition to allowing the consolidation of state power, this sharp jurisdictional distinction between states became an enabling condition for increased national homogeneity: a process that further consolidated state power but also issued in the emergence of new states as self-identifying nations sought secession. Nationalism, they observe, throughout its different historic stages both presumed and deepened the idea of state sovereignty. Since it required that state power reflect the identity of those subject to it, the national idea became a means to the popular legitimation of rule, of which democracy has been the most successful form.

The modern nation-state as a 'self governing territorial community' ideally including and binding citizens 'through a common membership that is denied to others' is an idea that, for Hirst and Thompson, has now acquired a 'distinctive credibility'. Representative government, they observe, has provided the basis for complete and comprehensive governance: of most importance historically the legitimate, centralised right of taxation by which competing authorities were subordinated and nation-wide provision of for example, education and health-care, achieved. At the same time, fiscal centralisation permitted an unprecedented power of economic management by states with the result that, by the 1960s, the state had become the 'dominant social entity', marking a near absolute coincidence of state and society globally.³⁴

'The Political Rhetoric of Globalization' and the New International Governmental Problematic.

This social-democratic combination of state and society, effective political representation, national economic management and social provision Hirst and Thompson take to mark the

³⁴ Ibid, pp. 260-261.

best aspects of the state, historically, presently and potentially. It is also that brought into question by 'the political rhetoric of globalization'. Based on an 'anti-political liberalism', for Hirst and Thompson this marks a 'godsend' for the political Right: centralised provision for social welfare arguably being obsolete, since it is 'uncompetitive' in the context of economic globalization. For the Left meanwhile, critical engagement with 'the world capitalist system' provides a means of delivery from the political impasse of domestic politics in which the traditional categories of class conflict has ceased to have any popular resonance. The result for the political culture of developed states they term (following Geoff Mulgan) 'cool politics'; gone are the 'hot politics' of labour relations and the 'life-and-death' imperatives of national mobilisation for total war: instead 'the politics of morality' pertaining to environmental issues and minority rights dominate.³⁵

This transformation of domestic political discourse reflects a wider shift in the role of the state and its capacities to control populations and domestic social processes. The absence of potential for war amongst developed states, driven by the likelihood of mutually assured nuclear destruction, has diminished the necessity for both large-scale mobilisation and by extension, the questions of national homogeneity that drove 'hot' politics. In this sense Hirst and Thompson conclude, sovereignty, as an expression of social, economic and political homogeneity, has changed its meaning since 'the society of states has passed from an anarchical condition to a quasi-civil one'.³⁶ States are increasingly bound together in an international political society and a concurrent international civil society enabled by new communication technologies, such that social groups and reactionary nationalist states centred upon exclusive, insular practices have become increasingly marginalised. The

³⁵ Ibid, p. 263.

particularities of the local remain, but they are now increasingly required to coexist with a wider, cosmopolitan world.

Nonetheless, they observe, the ‘club class’ subjects of the international elite remain a minority globally. The enormous bulk of the world’s population remains geographically rooted, eking a frequently desperate living wherever they find themselves, while some struggle to improve their conditions, frequently illegally, as migrant workers. Despite the rhetoric of globalization, then:

‘[...] the bulk of the world’s population lives in closed worlds, trapped by the lottery of birth. For the average worker or farmer with a family, one’s nation-state is a community of fate. Wealth and income are not global, they are nationally and regionally distributed between poorer and richer states and localities. For the vast majority of people nation-states cannot be regarded as just municipalities or local authorities, providing services that one chooses according to their relative quality or cost’.³⁷

The contradiction between ‘internationally open cultures and rooted populations’ provides a potentially violent mismatch between the deracinated, wealth assuming and aspirational discourses of cosmopolitan culture and the geographically and economically static, impoverished reality of most populations globally. Far from being dislocated from the politics of locale as Ohmae claims, the political world for many is shaped through their being inescapably bound up within ‘communities of fate’, a fate that for many of them inspires dissent against a cosmopolitan world view that is at best irrelevant and at worst associated with the direst aspects of their lives. Hirst and Thompson note that the opposition movements that will emerge because of this are unlikely to present themselves with the international coordination and ideological cogency of old-style communism.

³⁶ Ibid, p. 265.

³⁷ Ibid, p. 267.

Rather, they will emerge locally, where — as in the case of the Mexican Zapatistas — particular state authorities, by definition those of already poor and less developed countries, will be forced to contain them. The greatest force for entrenched, violent particularism they observe, is its capacity to compensate for (but not overcome) poverty.

Binding Rules and Legitimate Transnational Governance: Towards the 'Suturing' State? International politics, conclude Hirst and Thompson, is becoming a field in which the traditional, state-centric, conceptual framework has become increasingly problematic, though in ways distinct from and more complex than suggested by many globalization writers. As advanced countries are forced to 'police' the movements of the world's poor for example, traditional political concepts such as citizenship — already complicated through the rise of diverse, multiracial societies and the decline of long-standing forces of national homogeneity — will be subject to new challenges to their meaning and legitimacy. Similarly, the present trend of integrated, internationalised economy raises questions not of the continued role of 'governments' but that of 'governance': a distinction they will elaborate and upon which their argument will come to hinge.³⁸

Economic governance has become, and appears increasingly to be, the province of many institutions and practices beyond those traditionally associated with national government. This diverse proliferation and its associated field of competition raise serious questions of governance since markets, as forces for the coordination and integration necessary for 'rights and expectations' of all, can never be functionally adequate or command the necessary legitimacy. Like Susan Strange, Hirst and Thompson suggest that the 'gaps' between national, international and regional governmental levels and agencies

³⁸ Ibid, p. 260, emphases in original.

present the real possibility of failure of provision. The problem is how these structures of *governance* might be both be legitimated and integrated through *government*, or ‘sutured together’ as they put it.³⁹

Against the ‘fatalism’ of hyperglobalization theorists then, they offer the question as to how ‘key agencies’ (by which they mean states) might contribute to ‘coherent national strategies’ for governmental integration. The central flaw in the work of globalization extremists such as Ohmae, they observe, is to mistake the capacity of markets to generate *governance* for a capacity to replace *government*. In particular, they observe that the nation-state, from which power is delegated ‘upward’ to the international level and ‘down’ to sub-national agencies, remains vital. Nation-states, they argue, are those agencies central to the suturing of other levels of governance together and by extension, most important to any future enhancement of the process:

‘Without [...] explicit policies to close gaps in governance an elaborate a division of labour in regulation [...] vital capacities for control will be lost. Authority may now be plural within and between states rather than nationally centralised, but to be effective it must be structured by an element of design into a relatively coherent architecture of institutions’.⁴⁰

Far from being ‘futile’ then, in the context of the ‘inter-nationalized’ rather than the ‘globalized’ economy they describe, the policies and practices of nation-states remain both viable and vital to economic governance. The ‘debilitating’ effect of the political rhetoric of globalization is one that to be passed over for ‘political concepts that restate the possibilities for economic governance and the role of the modern state in such governance’. This reconceptualisation and the body of ‘reregulation’ it must bring about, they argue will,

³⁹ Ibid, pp. 269-270 and *passim*.

⁴⁰ Ibid, pp. 270.

apart from anything else, enhance the stability required for corporations to plan: a stability already heavily reliant on economic governance at state level.

Provided it is longer understood as a ‘governing power’ able to exert total control within its territory then, the nation-state thus re-emerges as the proper locus of government. Its unique centrality remains through a capacity to co-ordinate population within a fixed territory: ‘a loci from which forms of governance can be proposed, legitimated and monitored’. The contemporary idea of sovereignty meanwhile, refers less to the unitary capacity of the state to control all within and wage war beyond its territory than the ability to effectively police borders and represent citizens through democratic governance. The elements of international governance meanwhile — ‘regulatory regimes, international agencies, common policies sanctioned by treaty’ — all exist and derive legitimacy through nation-states ratifying and recognising them. In this way, suprastate agencies mark a pooling of sovereignty, a ceding of power by nation-states, which nonetheless remain central since:

‘[...] they are the key practitioners of the art of government as the process of distributing power, ordering other governments by giving them shape and legitimacy. Nation-states can do this in a way no other agency can; they are pivots between international agencies and subnational activities because they provide legitimacy as the exclusive voice of territorially bound populations’.⁴¹

Thus, the distribution of power, as the fundamental function of government, requires the legitimate authority that only nation-states can confer. It is nation states’ capacity for legitimation, as much as the functional capacity to distribute power to other agencies (through, for example, providing favourable conditions for corporations to do business) which constitutes their ‘suturing’ potential. However, in a world where, they observe,

international agencies and regulatory bodies are increasingly significant, it is the 'key publics' of 'advanced democracies' to whom they are most importantly answerable, since there at least some measure of popular control is exercised. The quality of this process also depends on world civil society, principally in the form of NGOs, who provide a capacity for credible, disinterested 'cosmopolitan agency for common world causes'. In this sense then, NGOs function in a significantly governmental fashion; in addition to informing publics and pressuring governments they are able, for example, to monitor adherence to environmental treaties and provide aid where formal governmental apparatuses are lacking. Nonetheless, NGOs derive their credibility at nation-state level, appeal to the populations of nation-states and frequently gain funding from nation-state governments as well as international governmental institutions. In sum, the nation-state constitutes the 'crucial relay between international levels of governance and the articulate publics of the developed world': the 'suturing' state serves, potentially at least, to legitimate and integrate suprastate governance.

Hirst and Thompson conclude by highlighting the importance of the nation-state as a source of law. While the nation-state and the principle of state sovereignty have remained important and enduring sources of political organisation, so has the state's primacy as lawgiver and enforcer. This juridical capacity was central to the historical consolidation of state power and thus intimately related to its emergence as the authoritative monopoly-holder on violence. States control both the ultimate and most direct means of power and exercise the capacity to decide when its use is legitimate. In relation to law, note Hirst and Thompson, states have always been 'janus-faced'; they are both distributive sources of

⁴¹ Ibid, pp. 276.

power in general *and* the source of binding rules through which the exercise of power is limited within and amongst themselves. These two aspects — the state as source, the state as limit — they argue, are now possibly ‘pulling apart’: for them, virtuously so. Such a separation implies new limitations on states’ capacity to undermine the rule of law in pursuit of ‘overarching political goals’ such that, as exercisers of power, states are and must continue to be subject as never before to the rule of law. For international governance to function in the legitimate, integrated fashion they argue for, a more binding international legal structure is required: it is reregulation that will underpin the positive influence of advanced democracies in international governance.

4.4. The Subject in and Beyond the State.

Hirst and Thompson introduce a picture of a newly emergent complexity in international affairs. ‘Politics’, they argue, ‘is becoming more polycentric, with states as merely one level in a complex system of overlapping and often competing agencies of governance’. It is nation-states’ (or more specifically the ‘advanced democracies’) capacity to adequately manage the distribution of power in legitimate and — in so far as possible — accountable fashion on which their argument rests. The passing of the ‘billiard ball’ state and the rise of ‘quasi-civil’ international relations problematise the meaning of contemporary state sovereignty. The authors respond to this by identifying and seeking to re-assert the distinctive capacities of *some* nation-states. Thus, while the state is what is important, when envisaging legitimate world order *some* states are very much more important than others. The actual and potential powers of advanced states — their capacity to function as social-democratic entities, legitimating and suturing international governance together — provides the guarantee against the ‘gaps’, the ‘ungovernance’ identified by Strange,

elsewhere in the world.

There is an odd and paradoxical way then, that while Hirst and Thompson take others to task for globally generalising those political and economic relations pertaining to the G3 states, it is to those same states that they return as providers for future global governance. While their argument emphasises wholly different features of those states from, for example Ohmae, the struggle for ‘legitimacy’ in world politics is to be fought and won among and within developed democracies. A second, perhaps concurrent, paradox emerges when considering their analysis of the rise and fall of the ‘billiard ball state’. Despite following a particularly thorough analysis of international economy under British hegemony, it is an account of the consolidation of state power without reference the politics of empire. The manner in which processes of consolidation, (which in the first instance pertained solely to European states) were historically accompanied by the attainment and exploitation of extra-European territorial possessions is not really addressed. The role of empire in driving both the inter-state rivalries and the eventual globalisation of the nation-state form they describe, in short the global-political processes of state consolidation, thus go unconsidered.

Taken together these paradoxes — the future role of ‘developed’ states as the source of legitimation in global politics and the absence any real account of imperial relations (through which, in no small part, they became developed in the first place) — suggest a dimension within the politics of globalisation unconsidered by Hirst and Thompson. The relevance of this to the current analysis emerges, in the first instance, from Hirst and Thompson’s observation that the consolidation of state power was accompanied by profound and far-reaching changes in the relation between individuals — subjects — and

political power. The new association of the sovereign state with national identity brought into effect not only inclusiveness of identity among citizens but an array of strategies by which internal differences of religion, ethnicity and social class could be negotiated: not least in the event of national mobilisation for war. This field of relations between national identity and the negotiation of difference was realised concurrent to — and the precise nature of this concurrence is central — a new and global distribution of power amongst empires the subjects of which were not absent from but profoundly implicated in the meaning of nationhood and national identity. The question of the subject in global context is, therefore, not one that can succumb to a convenient presentism, since many of the elements of modern political subjecthood can be understood, implicitly or explicitly, to involve a determinate relation to a global field of human otherness. The politics of subjectivity within modern states thus brought into play, assumed and mobilised new relations of same and other well beyond those pertaining to the internality of nation-states and their rivalries. Just as the politics of statehood took on a global-political dimension so too, it can be provisionally suggested, did the political composition of subjectivity. Just as the subjective element of nationalism was central to the exercise of warfare amongst developing nation-states, so too we might suppose, alongside other a multitude of other subjective techniques, it was put to work within the vast expenditure of military force and civil organisation required for colonial conquest and governance.

'The Global' and Subjectivising Power.

What is at stake then, is the politics of the subject in global-political context, the contemporary forms of which are essential if we are to think through the subject of intervention. Noting the emergence of modern global politics through empire however,

serves only to introduce these themes and indicate something of their genealogy. Most importantly, what emerges is the degree to which, even in the context of the consolidation of state power, the manner in which the subject has been realised historically has involved significant global and international dimensions. Taking a contemporary case in point, the hyperglobalization thesis itself, while subject to the kind of historical correctives offered by Hirst and Thompson has had significant effects upon the quotidian life of subjects globally. In and of itself a *globalizing process*, the hyperglobalization idea — the perception of Western political power and private, corporate-led economic governance acting in concert — creates and shapes multiple fields of contestation of the sort Foucault associated with modern state power. Within these fields, themselves ‘local’, different and dispersed, the thesis stands as an interpretative node through which human commonality — totality — has been repeatedly invoked and, in being so, realised in and as subjective comportments. Whether through depoliticised docility, enervated resistance to inegalitarian ‘ungovernance’ or ‘post-historical’ celebration of liberal capital, the subjective effects of hyperglobalization operate against one another and the institutions and perceptions to which they refer. In their particularity, the subjective effects of the hyperglobalization thesis have become increasingly significant in shaping of political debate and governmental strategy globally. The question emerges then, as to the distinct and particular character of the sites in which these antagonisms are realised: the manner in which a discourse of global politics plays into ‘local’ subjective fields.

The globalization of the sovereign nation-state as ‘the primary political unit’ in world politics has functioned internationally, following Hirst and Thompson, through the norm of sovereign recognition and internally through state administrations’ authoritative

rule-making and monopolisation of the means of violence. Beyond this generalised uniformity amongst states however, governmental problematics have varied widely, as have the modalities of subjectification that constitute them and through which they operate. As an expression of state power, governance has differed with respect to, for example: levels of urbanisation; degrees of secularisation; modes of production and kinds and levels of ideological control. Forms of nationhood have varied significantly, involving distinct strategies of national integration and the incorporation of ethnic, religious and other socio-politically distinct groups. Traditional social forms and customs have been incorporated, co-opted and suppressed by states in numerous ways, thus becoming sites of antagonism in which their particular meanings are altered. Disparate levels of wealth have effected levels of social provision, education and the possibilities of civil society such that, as Hirst and Thompson argue, economic aspiration and access to social and geographic mobility remain measures of significant division worldwide. This enormous variety in the problematics of state governance meanwhile, has involved complex relations with the international. Historically realised through interstate and imperial relations, the exercise of state power and the resultant relations between state, society and subject are now likewise bound up with the international organisations (governmental and non-governmental) and corporations to which globalization analysts attend.

Conclusion.

The field in which subjective life emerges globally then, is only partially captured by generalities such as ‘the local’ and ‘the global’. While, in modernity, ‘the local’ has been frequently constituted in relation to — and the means for the negotiation of — world politics, it can only be regarded as a site of unsurpassable particularity, approachable

through attention to the play of antagonism and contested meaning specific to it. Stated otherwise, as centres of subjectivising meaning, ‘communities of fate’ are constituted though dividing practices — notions of inside/outside, self/other etc. — that are at the same time *always compartments toward the exteriority from which ‘fate’ issues*. Just as the dividing practices of states under the duress of imperial rivalry resulted in specific subjectivising effects, so does the newer ‘fate’ of hyperglobality. The emergence of hyperglobalization discourse (even if historically erroneous and politically instrumentalised) generates and effects fields of subjective conduct globally, and it is to the disparate and specific fields of strategic antagonism in which they are realised that we must turn to understand them. Thus, while the *meaning* of human totality in reference to which subjects shape themselves undoubtedly involves a discourse of ‘commonality’, this does not necessarily indicate that its meaning is ‘common’ or that it produces, or is likely to produce, a ‘global subjectivity’. Subjects are indeed ‘differently global’ such that it makes little sense to talk of them ‘becoming global’ as though subject to a singularity: rather, the global is a transforming totality in which the meaning of human commonality is contested. This contestation shapes and mediates the subjective uptake of global discourse. The ‘local’ as a particular site of subjectivising power and resistance furthermore, cannot be reduced to territorialized communities, but rather exists increasingly in dispersed networks as, for example, the ‘club class’, migrant workers, asylum seekers and refugees traverse state boundaries. Here, subjective life shaped by particular effects of local politics, post-imperial international relations and the effects of international economy becomes re-situated in relation to state and culture of both origin and destination. The local itself emerges in the constitutive circuits of diasporic communities, constituted and reconstituted

through global media and the spatial traversals of subjects.

This complex field in which subjects realise themselves globally provides the political context for the subject of intervention. What has become apparent is the degree to which those subject to contemporary intervention are already significantly ‘globalised’. Intervention then, cannot be accounted for as the introduction of a ‘global subjectivity’, political or ethical, into any particular locale. Even the most (to borrow David Campbell’s term) ‘ontotopologically’ rooted subjects operate within a significantly globalised political framework. What is contested is, rather, the nature of the global totality — the wider processes of political ordering — as it bears upon and becomes manifest within a particular *topos* and the kinds of subjectifications that have come to accompany it. Indeed, it might be contended that the most violent and parochial of particularisms are only really understood when grasped as comportments toward, and means for the negotiation of, human totality. The particular sites of strategic antagonism that Foucault associated with the modern state are thus increasingly interpenetrated with global and transnational configurations of power including, but far exceeding, the forces of economic globalization.

Taking Levinas and Foucault together, we have seen how the subject exceeds both contractarian and universal reductions: although both of these — insofar as they have been mobilised in practice — might be taken as significant elements within contemporary political discourse. What has emerged as the site to which an account of the subject must attend is the concrete and actual fields of subjectivising force and resistance in which subjectivities are assumed, contested and realised. The above analysis indicates the manner in which ‘the global’, while it has been present for some time as a horizon for human totality, has become increasingly determinate within these fields. The global as the

horizon, or limit concept, for human totality however, presents itself as a site of contestation rather than certainty. It initiates, and is a source of contestation within, the sites of antagonism where subjectivity is realised. As a forceful realisation of political foundations, and one that has been increasingly carried out in reference to the totality of world order, intervention thus suggests itself as a particularly significant site in which to engage subjectivity. If the subject is to be identified in the processes of its strategisation and resistance, and global politics is the field in which the subject is now to be sought, the question of the subject of intervention would appear to be an increasingly important one. The next chapter takes these themes further. In particular, it considers the transformed patterns of juridical, state and military power that emerged after the Cold War and came to be combined in the new interventionism.

CHAPTER 5: LAW, STATE POWER AND THE SUBJECT OF INTERVENTION.

Introduction.

The last chapter focused upon the nation-state and governance in global context. It suggested that the contested relations between state power, governance and the global are generative of sites of antagonism in which, at least in part, contemporary subjectivity is realised. The effect of the global for understanding contemporary subjectivity was described in terms of, first, the plurality of political and governmental problematics across distinct locales and second, how the idea of locale was itself problematised through increased human movement and connectedness. This chapter seeks to go beyond this general account through further attention to state power, authoritative rule-making and the projection of force as they have been combined in post-Cold War intervention. Its two central lines of analysis, the globalization of law and the remaking of state relations, conclude the attempt to outline the areas of enquiry central to the subject of intervention and provide the basis for some conclusions. Specifically, the chapter ends by considering intervention as a political expropriation of conflict, a subjective complex producing a specific and unique arrangement of subject positions centring upon a military-pastoral nexus, and finally as a constitutive circuit requiring a reconsideration of the relation between intervening and target subjects and populations.

5.1. Juridification, State Intervention and the Globalization of Law.

Globally, the world has witnessed a far-reaching and complex set of legal developments since 1989. From human rights to copyright, terrorism to internet fraud and the illegal disposal of hazardous waste, the rise of new forms of internationalism enabled by new communication technologies, open borders and the availability of transportation have complicated traditional distinctions between international and domestic jurisdiction. New

patterns of corporate deployment have required a range of developments in commercial and employment law: expansion of global capital markets, with varying success, having set in motion a legal codification of common standards of trade. The devolution of many traditionally 'public' tasks of national government to 'private', often multinational bodies has posed unprecedented challenges for administrative law. The sophistication and availability of information and telecommunication technologies has enabled international crime to be committed without those involved ever leaving their home state, driving an unprecedented international 'harmonization' of domestic legal countermeasures. Increased perception of illicit transnational flows of drugs, hazardous waste, arms, persons, money and contraband such as stolen art and antiquities has led to a new discourse in 'non-military threats to security' requiring increased international co-operation amongst law enforcement agencies. Burgeoning scientific evidence of climate change and multiple threats to biodiversity have been accompanied by calls for greater global regulation and inter governmental co-operation.¹

The result is a situation to which the idea of a 'globalization of law' is inadequate. Rather, there has been a vast and complex range of developments to which governments have struggled to find adequate regulatory responses and continue to do so, through both domestic legal co-ordination and the generation of new transnational arrangements. Legal theorists have been similarly taxed. Amid general agreement that traditional approaches to international and 'municipal' state law are unsustainable since the two are now combining

¹ For transnational aspects of the transformation of administrative law see Martin Shapiro, 'Administrative Law Unbounded: Reflections on Government and Governance' *Indiana Journal of Global Legal Studies* Vol. 8 No.2 (Spring 2001) available at <http://ijgls.indiana.edu/> For harmonization of law enforcement and new legal responses to transnational crime see Jarrod Weiner, *Globalization and the Harmonization of Law* (London: Pinter, 1999), p. viii and *passim*. For post-Cold War politics and transnational environmental

in unique ways, there is an increasing recognition that new developments cannot be comprehended without attending to the wider social and political processes driving them.² Taking a broad, pluralistic view of new, globalising legal forms and regulative strategies allows a more flexible approach, one through which a broader trend might be identified. First though, some fundamental shifts in the juridical basis of intervention require consideration.

'International Judicial Intervention' and the Juridical Foundation of Intervention.

Theorists working at the interface of international legal and security studies have sought to examine how the rise in interventionary order-making has been accompanied by new legal developments. In particular, several note how the legal basis for international intervention itself was itself radically modified in the wake of the 1991 Gulf War and in particular UN Resolution 688, which mandated humanitarian operations to provide aid to Kurds fleeing persecution in Northern Iraq. Central to this was the Heads of Government and State of the UN Security Council January 1992 declaration that:

‘The absence of war and military conflict amongst states does not in itself ensure international peace and security. The non-military sources of instability in the economic, social, humanitarian and ecological fields have become threats to peace and security.’³

The result was a reconstitution of the legal basis from which the UN might mandate military interventionary action. ‘Threats to international peace and security’ — the basic referent for such mandates — now no longer referred to crises in relations *between* states

regulation see Philippe Sands, ‘The “Greening” of International Law: Emerging Principles and Rules’ *Indiana Journal of Global Legal Studies*, Vol. 2, No. 1 (1994).

² See William Twining, *Globalisation and Legal Theory* (London: Butterworth, 2000), Ch. 9 and *passim*. Also Wiener, *Globalization and the Harmonization of Law*, Ch. 1-2.

³ UN Doc. S/23500, 1992. Quoted in James Gow, ‘Nations, States and Sovereignty’, p. 192.

but to those within them, including those of a 'non-military' nature. This shift in focus from military to non-military, inter-state to internal not only transformed the emphasis of UN law but came to be reflected in the foreign and defence policy orientations of many states. Indeed, it arguably marked the transformation of the entire juridical basis of international relations, since the legal codification war itself became transformed.

It also provided the basis for new interventionary practices. Extant international humanitarian law was mobilised to create ad hoc tribunals for Rwanda (ICTR), the former Yugoslavia (ICTY) and begin preparations for an International Criminal Court (ICC). Unlike the trials at Nuremberg, where (despite legal innovation in the creation of new bodies of humanitarian law) the fundamental orientation was the traditional one of preserving state sovereignty against 'aggressive war', the creation of the tribunals and new strategies of 'International Judicial intervention' made domestic jurisdiction ever more subject to greater conditionality.⁴ Again significant, if indirect, precedent had been set, this time with the Security Council's imposition of sanctions against Libya after its government refused to extradite two men suspected of the bombing of Pan Am flight 103.⁵ The demand for extradition (Security Council Resolution 731, 1992) had interpreted the continued presence of these men on Libyan territory to be a threat to international peace and security. Libya's appeal failed because the International Court of Justice (ICJ), who heard the case, deferred to the legal supremacy of the UN Security Council in matters of international peace and security.⁶ In imposing sanctions on an entire state for harbouring two alleged

⁴ See Rachel Kerr, 'International Juridical Intervention: The International Criminal Court for the Former Yugoslavia' *International Relations*, Vol. XV, No. 2. (August 2000), pp. 19-20. David J. Scheffer, 'International Judicial Intervention' *Foreign Policy*, No. 102. (Spring 1996), pp. 34-51.

⁵ Gow, 'Nations, States and Sovereignty', p. 198.

⁶ *Ibid*, p. 199.

terrorists the Security Council both reiterated its supremacy and established a precedent for judicial intervention. This extension of juridical powers — in addressing the humanitarian aspect of ‘non-military sources’ — may be taken to mark the juridical apogee of the shift in threat perception from interstate to intrastate. In seeking to prosecute those responsible for ‘serious violations of international humanitarian law’, it goes beyond targeting particular internal dynamics or fighting factions to single out individuals as threats to international peace and security.⁷ Indeed, for at least one proponent of a permanent court, the targeting of individuals constitutes the sole means for preventing excess in conflict:

‘Crimes against humanity will only be deterred when their would-be perpetrators – be they political leaders, field commanders or soldiers and policemen – are given pause by the prospect that they will henceforth have no hiding place: that legal nemesis may someday, somewhere, overtake them’.⁸

It is worth noting the central implication of this statement: while the infringement of domestic jurisdiction is offset by the ‘principle of complementarity’, giving — for example in the proceedings of a future ICC — legal precedence to the national court of the accused, the emphasis absolutely remains on an externally administered criminalisation of violence. Failure to proceed on the command of the Court’s Prosecutor would trigger interventionary measures.⁹

Globalization of Law and the Re-Constitution of the Social.

While the specific bodies of law and the problems to which they are addressed are diverse

⁷ See, for example, the Statute for the International Tribunal for the Former Yugoslavia, <http://www.un.org/icty/basic/statut/statute/htm>.

⁸ Geoffrey Robertson QC, *Crimes Against Humanity: The Struggle for Global Justice* (London: Penguin, 2000), p. 237.

⁹ See ‘Setting the Record Straight: The International Criminal Court’, <http://www.un.org/news/facts/iccfact.htm>.

and may be analysed separately, there appear to be a number of continuities across these new transnational developments. New labour rights for employees of multinationals in the global South, for example, while frequently matters of corporate self-regulation, have come to be associated with a much broader agenda for human rights law. Increased coordination of law enforcement agencies and powers of prosecution for transnational crime meanwhile, have developed alongside enhanced powers for the arrest of war crimes suspects and the coordination of efforts to combat international terrorism. The sovereignty of national courts has thus been rendered, to some degree, subject to outside institutions; factory floors and workshops in the global south have, under corporate self-regulation, become mini-jurisdictions quite separate from the formal sovereignty of the state in which they reside; the governance of economy has become subject to greater regulative coordination internationally. In short, law is increasingly a regulatory tool of international governance and, in its many forms, a means to the provision of both ‘social security’ and the wider security of the emerging order.

The initial question for this chapter then, is how to understand the relation between new patterns of juridical and regulatory order-making and the subject of intervention. Attending to theories of ‘juridification’, which provide an account of the transformative relation between socio-political change and law, permits a provisional approach. The resulting framework provides the general context, further elaborated in reference to Martin Shaw’s work, in which interventionary governance, juridical and state power can be analysed as modes of subjectivisation.

5.2. The Politics of Juridification.

First deployed in Weimar Germany by the jurist Otto Kirchheimer as a term of critique for

the legal and institutional formalisation of industrial relations, ‘juridification’ [*Verrechtlichung*] refers more broadly to ‘the juristic containment of social conflict and political struggles’.¹⁰ This form of social control and its attendant problems have been particularly, but not exclusively, associated with the broader political context in which Kirchheimer wrote, namely the foundation and regulation of the European welfare state.¹¹

Borrowing Kirchheimer’s term and analytical means from Jürgen Habermas, Gunther Teubner introduces the central problem of juridification thus:

‘[...] law, when used as a control medium of the welfare state, has at its disposal modes of functioning, criteria of rationality and forms of organization which are not appropriate to the “life-world” structures of the regulated social areas and which therefore either fail to achieve the desired results or do so only at the cost of destroying these structures.’¹²

The Habermasian notion of a ‘colonialization of the life-world’ — that is, the re-structuration of the shared world of a social group, indicates a problem exceeding narrow, legalistic diagnosis or, as Teubner points out, reduction to an historically specific ‘Teutonic tendency toward overregulation’.¹³ Rather, he argues, juridification is better understood as a ‘universal’ phenomenon, having generated an independent Anglo-Saxon literature and a number of distinct categorisations with attendant concepts, theories of causation and political implication.¹⁴

¹⁰ Jürgen Habermas, *The Theory of Communicative Action* Vol. 2. *Lifeworld and System: A Critique of Functionalist Reason* (Oxford: Polity Press, 1987). p. 357. See also Otto Kirchheimer, ‘Weimar — and What Then? An Analysis of a Constitution’ in *Politics, Law and Social Change: Selected Essays of Otto Kirchheimer* (New York: Columbia University Press, 1969), pp. 33-74.

¹¹ See in particular Gunther Teubner’s survey ‘Juridification — Concepts, Aspects, Limits, Solutions’ in Gunther Teubner (ed.) *Juridification of Social Spheres: A Comparative Analysis of the Areas of Labor, Corporate, Antitrust and Social Welfare Law* (New York: Walter de Gruyter, 1987), pp 3-48.

¹² Teubner, ‘Juridification’, pp. 3-4.

¹³ Ibid, p. 4.

¹⁴ See, for example, C. Neal Tate and Torbjörn Vallinder (eds.) *The Global Expansion of Judicial Power* (New York: New York University Press, 1995). Tate, Vallinder and their contributors offer an analysis of the

Turning to the sociology of law, Teubner attends to the manner in which juridification has been a means to arbitrate over social conflict:

‘Sociologists of law describe juridification as a process in which human conflicts are torn through formalization out of their living context and distorted by being subjected to legal processes. Juridification, as it were, is the expropriation of conflict. Christie [...] even uses the expression “conflict as property.”’¹⁵

Juridification then, addresses social conflicts not by resolving them in a fashion liable to produce some emancipatory or ‘future oriented’ socio-political resolution, but rather by ‘alienating’ them through legal containment. The result is not the resolution of conflicts, but rather their ‘regulation’ (one might say their ‘encasement’) into abstract legal forms. The problem with this idea of juridification as a legal ‘expropriation of conflict’, for Teubner, is less with its diagnostic accuracy than the implicit (and for many analysts, explicit) ‘alternatives to law’ solution it suggests. The resort to informal or ‘communal law’ misses the inevitability, under modern conditions of ‘role separation’ and professional diversity, of ‘surrendering conflicts to the existing power constellation’ and thus risking the subjection of one party by another; not a genuine resolution, much less a positive one. Again, Teubner argues, a particularity of emphasis serves to limit and distort a conceptualisation of juridification: the sociology of law has tended to ‘confine itself to the

‘expansion of judicial power’ within democratic societies worldwide and a corresponding ‘judicialization of politics’. By this, they mean a tendency toward a more politically influential judiciary and adoption of judicial-style decision making in government. However, they offer little explanation as how and why this process has become globalised, presenting it instead as a problematisation of the Montesquieuan separation of powers. The ‘practice oriented’ legal literature attends to the effects of juridification on methodologies of legal practice and centres upon the idea of ‘legal explosion’ or a ‘flood of norms’. Here ‘enormous quantitative growth of norms and standards’ particularly in areas of law regulating industry, labour and social solidarity over-stretches the legal system with the result of a lack of consistent doctrine, enforcement and correspondingly, credibility. For Teubner, this approach tends to be myopic: failing to articulate more significant *qualitative* changes in legal structures or address the broader causal context and historical specificity of ‘the interventionist state’.

¹⁵ Teubner, ‘Juridification’, pp.7-8. Teubner is referring here to Nils Christie, ‘Konflikte als Eigentum’, *Informationsbrief der Sektion Rechtssoziologie der deutschen Gesellschaft für Soziologie* 12 (1976).

classical tasks of law (conflict regulation) and has only marginally concerned itself with the really explosive aspects of modern juridification (social regulation)'.¹⁶ Juridification as the legal expropriation of conflict thus fails to properly articulate its specifically *political* dimension: '[...] a politically instrumentalized law, which threatens profoundly to change entire social spheres through its regulatory interventions'. By comparison, Teubner observes, such socio-legal analysis 'seems somewhat harmless, and almost provincial'.¹⁷

This turn in the argument places the idea of juridification to the original, polemic, context in which Kirchheimer used it — the 'petrification' and hence 'depoliticization' of political struggle.¹⁸ Welfare state reform, with its provision of legal rights to public services, limits on working hours and conditions, collective bargaining, protection from layoffs etc. contains within itself the paradox of 'social security': the simultaneous assurance of a level of social welfare but also the securing of the (supremely political) manner in which the social is constituted. Nowhere, as Teubner points out, has this been more widely observed than in labour law:

'On the one hand labor law protects and guarantees certain interest and employees and ensures that labor unions have scope for action. Yet on the other the repressive character of juridification tends to depoliticize social conflicts by drastically limiting the labour unions' possibilities of militant action'.¹⁹

Herein lays the recurring 'ambivalence' of juridification from the perspective of political science — 'the simultaneous guarantee and deprivation of freedom'. Its socially distorting effect, meanwhile, is to reinforce (and be reinforced by) cooperative policies amongst

¹⁶ Teubner, 'Juridification', p. 9.

¹⁷ Ibid.

¹⁸ Pre-dating Kirchheimer's work on juridification, the idea of 'petrification' was used in Ernst Fraenkel's 1932 essay 'Die politische Bedeutung des Arbeitsrechts' in T. Ramm (ed.), *Arbeitsrecht und Politik* (Neuwied: Luchterhand, 1966).

¹⁹ Teubner, 'Juridification', p. 9.

social movements and interest groups at the expense of possibly more progressive conflictive ones, the latter suggesting itself a concrete anti-juridification strategy.

The solidity of ‘the juridification as depoliticisation’ thesis, Teubner argues, lays in its capacity to account for the qualitative effect of the proliferation of laws, the ambivalence of its effect and, with the notion of ‘depoliticization’, its potentially explosive consequences. However, he continues, it is not unproblematic. The emphasis on the politics of organised labour is reductive: the normative issues raised by juridification defined in this way being limited and overly specific. The result, for Teubner, is a ‘theoretical deficit’ that can only be properly addressed by locating juridification within the broader socio-historical evolution of law. The resources to be drawn upon in such an endeavour are ‘the great theories of legal evolution’ offered by, for example, Max Weber and more recently, Habermas. The work of the latter, which contains a sustained historical analysis of juridification, is worth of particular attention here, since it elaborates the relation between juridification and the transformation of the state.

Juridification and the State.

Kirchheimer and those others amongst whom Teubner seeks a theory of juridification offered insight, for the most part, into specific aspects of the development and regulation of the modern welfare state in Europe and North America. For Habermas however, this period was merely the latest of four ‘juridification thrusts’ or historically distinct ‘epochal juridification processes’ whereby transformations in European social and political order precipitated, operated through and became realised in legal forms. The emergence, under absolutism, of the European order of ‘bourgeois states’ marked the first of these; the replacement of feudalism by capitalist market societies being formally secured through

legal differentiation of state and economy.²⁰ The following three processes marked historical counter-movements to this separation. The second, the ‘constitutionalization of the state’ resulted in a ‘bourgeois constitutional state’ in which private citizens achieved actionable civil rights against the sovereign power.²¹ The founding of ‘democratic constitutional state’ after the French Revolution marked a third epochal shift: a ‘juridification of the legitimation process’ through general suffrage and freedom of political participation, association and organisation. Finally, the processes Kirchheimer had described saw the formation the ‘democratic welfare state’ though the various struggles of European workers’ movements during the Twentieth Century.

This legal delimitation of state, then economic power, for Habermas, represented ‘a life-world which was at first placed at the disposal of the market and absolutist rule little by little [making] good its claims’.²² The latest thrust of ‘freedom-guaranteeing juridification’ ‘bridled’ economic accumulation in a parallel manner to the constitutional and democratic limitation of state administrations by previous processes. Law then, becomes a form of recognition and *the* formal recognition of the successive emancipatory transformations of social order that result in the Twentieth Century welfare state. In Habermas’ view however, this process is significantly marked by the ambiguity of its achievements, since:

‘[T]he development toward a *democratic welfare state* can in fact be understood as the institutionalisation in legal form of a social power relation anchored in class structure. Classic examples would be limitations placed on working hours, the freedom to organize unions and bargain for wages, protection from layoffs, social security and so forth. [...] From the start, the ambivalence of guaranteeing freedom and taking it away has attached to the policies of the welfare state.’²³

²⁰ Habermas, *Lifeworld and System*, p. 357-358.

²¹ Ibid, pp. 359-360.

²² Ibid, pp. 359.

Juridification then, has the effect of institutionally reproducing the relations from which the conflict derives, and thus producing further ‘freedom-limiting’ effects. For example, Habermas points out how civil law, in guaranteeing liberty and property, equally underpinned the socially repressive effects associated with the ‘proletarianization’ of labour: the resulting social conflict becoming the basis for further juridification aimed at containing that created by the last. ‘We are dealing’ Habermas points out, ‘with power-balancing juridifications within an area of action that is *already constituted by law*’:²⁴

‘The net of welfare state guarantees is meant to cushion the external effects of a production process based on wage labour. Yet the more closely this net is woven, the more clearly ambivalences of *another sort* appear. The negative effects of this — to date, final — wave of juridification do not appear as side effects; they result *from the form of juridification itself*. It is now the very means of guaranteeing freedom that endangers the freedom of the beneficiaries’.²⁵

This, for Habermas the ‘latest epoch-making thrust of juridification’, marked the point at which the ‘intervening social state uses law as a means of control to constitutionalize the economy’.²⁶

Juridification and Subjectification in Global Politics.

The initial case for proposing a juridification in global politics, or at least approaching contemporary global politics through the theory of juridification, seems robust. In the broadest sense, juridification refers to the expansion of regulation: its redefinition for the sake of enhanced powers of intervention into conflict and its extension into areas previously moderated in other ways. At the same time, it suggests an interventionary

²³ Ibid, p. 361, emphasis in original.

²⁴ Ibid, emphasis in original.

²⁵ Ibid, p. 362, emphasis in original.

²⁶ Teubner, ‘Juridification’, p. 12.

restructuring of social spheres: a ‘colonisation of life-worlds’ with the intent of a harmonising regulation of conflict. The manner in which the juridical architecture of international relations has been transformed — the new conditionality of sovereign borders; the unprecedented legal objectivisation of previously ‘domestic’ dynamics; the emergent re-definition of individuals as subjects of international law; the rise of common standards of trade and (potentially at least) labour law and employment practice — further suggests a restructuring of subjectivising power in global context. From this perspective, the revised normative thrust of UN law may also be fruitfully recast in terms of an effort at welfare legislation: an attempt at off-setting the diverse emergent social and political problematics that have accompanied the global expansion of liberal economy and western power, raising again the question of the political ‘ambivalence’ of juridification. The danger of ‘politically instrumentalised law’ in particular suggests that, where international regulation is defined, redefined or extended, questions may be posed with regard to its political effect. This aside, the practice of intervention comes to stand at the forefront of a socio-political transformation which problematises any state-centred or purely contractarian account of subjectivising power and serves to re-assign contemporary military and judicial intervention from being an ‘exceptional’ response to ‘emergency’ to a particular and indicative instances of a much wider process of global social transformation. These themes will be further taken up below.

For now though, we might distinguish generally between a ‘weak’ and a ‘strong’ claim about juridification in global politics. The weak claim proposes that the critical positions generated by lawyers, legal scholars, political scientists and economists regarding juridification might be deployed both analogously and directly in analysis and assessment

of new trends in global regulation. The stronger claim, which incorporates the former, is that the global evolution of law displays significant structural continuities with Habermas' account, to the extent that it can plausibly be presented as a 'fifth thrust' of juridification. The idea of 'fifth thrust' suggests itself as a broad socio-historical container for more focused engagement with the plurality of areas that are now being intervened into and defined in terms of legal re-regulation: *a broad re-ordering of relations of state and society* in which an account of new forms of subjectification must be central. A substantive presentation of this, to retain fidelity with Habermas's work, would at minimum require a theory of the development of international relations based around the transformations of state and capital he took to be fundamental in the transformative development of law: of the manner in which juridification in global politics should be understood in reference to a 'constitutionalisation' of an increasingly global economy. Such an undertaking would also require that Habermas's analytic dualism between life-world and system be further developed in reference to globalising social processes.

An elaboration of this sort cannot be made here. Rather, central elements of the theory of juridification will be taken forward as points of orientation within a discussion of the subject of intervention. Firstly, the notion of the 'expropriation of conflict' — and some of its correlates; for example, 'conflict as property', 'abstraction' of conflict into new forms — raises the issue of its subjective effects and those of how, by and for whom such an expropriation takes place. For Habermas, these dynamics were inseparable from the transformation of the state form. For that reason, as will become apparent, they provide a significant point of juncture between this enquiry and Martin Shaw's work on the transformation of state in globality. Secondly, it is necessary to consider intervention as a

‘colonisation of life worlds’. This further situates the question of subjectivisation with regard to the interventionary transformation of social relations: in particular, social relations of violence after the Cold War about which, again, Shaw has much to offer. Finally, some consideration as to how the theory of juridification might be situated in regard to Foucault’s work on power, the subject and political technologies of self will be required in order to better provide an account of ‘interventionary power’ and subjectivisation. For now though, keeping in mind how, through the idea of juridification, the transformation of regulatory structures can be taken as a indicative of both a new, emergent state form and a political expropriation violence, we turn to Shaw’s work.

5.3. ‘Globality’ and the State.

Central to Martin Shaw’s *Theory of the Global State* is his distinction between globalization — ‘the way in which things are made global’²⁷ — and ‘the global’ or ‘globality’ as such. Globalisation writers, he observes, have operated through numerous but frequently unsatisfactory definitions of the latter, often pointing toward but failing to grasp the more significant ‘new social meaning’ it involves. Seeking to rectify this he offers the following:

‘I propose that we understand [the global] as the development of *a common consciousness of human society on a world scale*. We mean an increased awareness of the totality of human relations as the largest constitutive framework of all relations. We mean that society is increasingly constituted primarily by this inclusive framework — rather than by distinct tribes, civilizations, nations or religious communities, although all of these remain in increasingly complex and overlapping ways within global society’.²⁸

His claim then, is for a *distinctive* and *determinate* mode of global social life, the actual

²⁷ Martin Shaw, *Theory of the Global State: Globality as an Unfinished Revolution* (Cambridge: Cambridge University Press, 2000), p. 9.

extent, origins and manifestations of which need to be accounted for. Shaw is quick to point out that this notion of a common framework for human society (with its potential to 'become global' through being 'dominant' and 'constitutive') is nothing new. Rather, it has been 'one of the driving forces of modernity'.²⁹ An immediate effect of this recasting of the global is a revelation as to the 'false antinomies' around which much globalization debate centres: principally, the counterposition of technology, economy and culture to politics in a relation of cause and effect. Against this argues Shaw, the proper focus for the study of the global is the manner in which these interconnected spheres operate through mutual constitution. A central implication being that globalizing processes operate through and as functions of states and interstate relations as much as 'upon' them. Equally erroneous is the counterposition of the 'global' to the 'national' and 'international'. Again, such distinctions miss how 'on the one hand, global change involves transformations of national and international relations and on the other, changed national and international relations go to make up much of what constitutes the global'.³⁰ Shaw's study attends to the nature and effect of these mutually constitutive transformations in modern global politics. In doing so, he identifies an unfinished 'global democratic revolution', a 'post-imperial Western state conglomerate' and an emergent, increasingly significant 'global layer of state'. Most important for the current inquiry, however is, first, the analysis of the transformation of state and state relations after the Cold War from which these ideas emerge. Second is his insistence that there is now an imperative to 'reconstitute the central concepts of social science in global terms', raising the issue of the subject in globality

²⁸ Ibid, p. 11-12, emphasis in original.

²⁹ Ibid, p. 12.

³⁰ Ibid, p. 14.

which we have, at least provisionally, begun to address.

'State in Globality' and the 'Global State'.

'State', Shaw notes, has generally referred to a consolidated *centre* of social power, 'the state', as 'an authoritatively coordinated complex of relations, which acts as a framework for the looser patterns of relations which make [them] up'.³¹ Drawing on Michael Mann and Max Weber, he attends to how state has been defined and centres of state power differentiated. Modifying Weber's emphasis on state administration's control of 'the monopoly of the legitimate use of physical force', Mann argued that state institutions are defined by '*some* authoritative rule making' backed by '*some* organized political force'.³² This looser definition, argues Shaw, allows for 'overlapping' and 'competing' state-like structures within a given territory, different 'layers' of state power: a move complicating the identification of different state centres (though usefully so).

Applying this definition in global political context reveals an array of state-like structures both 'above' and 'below' nation-state level. (Contemporary supra-state structures such as the European Union, for example, function in an identifiably state-like way). Applying this view of state in global context over a longer historical period, moreover, reveals changing levels and forms of state power. It also raises a fundamental question: how can real or functional centres of state power be differentiated from older, moribund or purely formal centres? Always subject to relations with other state centres, notes Shaw, effective state power stands in *constitutive relation* to them. While old layers of state persist and new ones emerge, then, the constitutive power of statehood may shift

³¹ Ibid, p. 180.

³² Michael Mann, *The Sources of Social Power* Vol.2, (Cambridge: Cambridge University Press, 1993) p.55,

between them. Thus, he offers a new definitive criterion for state: that a centre of state power must be significantly inclusive and constitutive of other layers or forms of state power in general at a particular time and place.³³

This though, raises new analytical problems. How does a particular layer or form of state come to be inclusive and definitive at a particular time and place? How moreover, are we to understand state forms like the EU that (while clearly constitutive in economic and juridical affairs) still to a significant degree lacks the traditionally definitive feature of organised force? Such an absence, for Shaw, indicates the secondary and derivative character of the EU as a layer of state. Against scholars who (favouring economic and juridical definitions) question the importance of state's capacity to exercise force, he restates the centrality of violence:

‘At the root of all the complex forms of authority in the modern state lies the control of violence. The extent of contemporary pacification and surveillance testifies not to the irrelevance of violence, but to the increasing — but necessarily partial — success of states in securing control. The very complexity of the pacified world creates, however, multiple, new, points of potential contestation. New challenges of force and violence remain ever possible, as phenomena such as wars of state collapse, terrorism and organized violent crime quickly suggest. The authoritative control of violence must be constantly reproduced through repeated reinvention of its forms and means’.³⁴

State power then, remains substantially defined through the relation between authority and violence. This remains the case even if, as Shaw point out, the contemporary reality of this relation is better captured in Mann's ‘looser’ definition of some authoritative binding rule-making backed by organized political force than by Max Weber's emphasis on ‘monopoly’. Further, ‘it remains true that states are demarcated [...] by the potential for violence

quoted in Shaw, *Theory of the Global State*, p. 188, emphases added.

³³ Shaw, *Theory of the Global State*, p. 190.

between them': just as Hobbes observed, 'borders of violence' separate states. Increasingly evident though, is a dislocation of state power from formal sovereignty.

Global State Power: Relations, Forms and Contradictions.

This analysis of state allows Shaw an array of conclusions. Most importantly, his argument regarding the definitive capacity of states to include and constitute other state forms and relations allows an account of an emergent 'global layer of state'. A global state, he asserts, is identifiable insofar as 'global state relations and forms are inclusive and constitutive of state relations and forms in general'.³⁵ Like other social categories though, the global state coexists in tension with more particular forms. The general problem for any analysis of state power in globality therefore, is the 'central paradox' of 'changing relations between singularity and plurality'; while on the one hand, Shaw finds:

The idea of a unified centre of state power which generates a worldwide web of authoritative relations, backed up by a more or less common, world organization of political force, is now partially — even if [...] very imperfectly — realized. State power is generalized in ever larger complexes bound together by common relations of authority and the control of force'.³⁶

On the other, he notes that 'simultaneously and relatedly':

'[...] the plurality of state power is reproduced in new forms. Both the resilience of some national centres and the continuous emergence of would-be authoritative force constantly reproduce the contest of violence. In this sense, the plurality of states remains the general form which state takes in contemporary society. In this sense too, state relations remain truly anarchic'.³⁷

State in globality is thus constituted by a 'dual globalization', a simultaneous 'singularity

³⁴ Ibid, p. 191.

³⁵ Ibid, p.192.

³⁶ Ibid.

³⁷ Ibid.

and plurality’ producing ‘both a new generalization and a new particularization of state’. A new and dominant centre of state power is emerging with the capacity to project power globally, while all centres of state power are being drawn into a condition of ‘complex implication [...] in global state relations and forms’. Particular states may thus stand outside the predominantly Western core of global state power but are nonetheless increasingly required to engage (in distinct ways) with the generalised statehood — the constitutive state form and relations — emanating from it. This Shaw characterises as ‘*a double realignment of centres of state power within society on a world scale*’,³⁸ as relations between centres of state power are subject to both ‘a concentration and a fragmentation of statehood’. At the same time, an emergent, frequently disruptive reordering of state-society relations is taking place as other social categories such as society, economy and culture are subject to (and create) their own mutually constitutive globalizing processes.

‘Global state forms’ then, ‘articulate these contradictory transformations of state relations’. Central to this articulation is the ‘complex globalization of authority’ whereby nation-state forms and their formal, juridical correlates such as sovereignty become altered through the contradictory forces of democratisation and authoritarian particularism. New forms of violence emerge in a way that, Shaw concludes, re-issues the anarchy problematic in a novel manner. A highly dispersed, global fragmentation of — and struggle over — authority now exists as political elites resist, promote and frequently compromise over an incomplete global-democratic transformation.

From this conceptual reworking of state and globality Shaw offers an analysis of the structure of contemporary global politics centring upon a typology of contemporary state

³⁸ Ibid, p. 193, emphases in original.

forms and relations. In particular, he addresses the points of interarticulation between these forms and the global layer of state. Borders of violence in the modern world, reiterates Shaw, have never fully coincided with state territorial boundaries but rather with those dividing historically particular forms of state power: national, imperial, bloc etc. The reality of states as 'bordered power containers' thus frequently diverges from their formal, juridical or unitary, 'billiard ball' definition. The key to understanding this divergence, he argues, is to trace the 'transformed relations of violence' at play. States subject to organised intervention for example, (whose administrations lose their monopolistic grasp on legitimate violence) and states that voluntarily 'pool' that capacity within a larger bloc come to depart importantly from the traditional model. Instead, they are subject to differently configured borders of state power. Shaw notes three contemporary forms; a 'global-Western state-conglomerate' or 'global-Western state' which provides the core of the global state but is demonstrably separate from it; 'quasi-imperial nation-states' and 'new, proto- and quasi-states'.³⁹

The growth of the Western conglomerate has been such that the singular, multidimensional layer of global state power has developed considerably since the Cold War. This process however, has been one of contestation, since it initiates an array of conflicting interests, particularly for authoritarian regimes, but also for states within Western conglomerate itself. The growth of international legal institutions, Shaw observes,

³⁹ Ibid, pp. 199-213. 'Quasi-imperial nation-states' for example, frequently find the developing global layer of state — into which they are only 'weakly and partially' integrated — highly problematic. Shaw distinguishes between the larger ones (e.g. Russia, China, India and Pakistan) and smaller (for example; Serbia, Iran, Iraq, Saudi and Israel). He notes a range of definitive similarities such as large military capacity, authoritarian governance, internal conflict and high potential for interstate war. Indeed, as a source of instability, they often give rise to 'new, proto- and quasi-states' which emerge in the fragmentation of centres of quasi-imperial state-power. Here, previously subject layers of authority or 'national' identities emerge in wars of dissolution, receiving international recognition as sovereign entities (often as a means to conflict

is an especially problematic area. The US veto of the International Criminal Court (ICC), for example, indicating a wider contradiction between emergent (potentially interventionary) global juridical power and still salient ‘central prerogatives’ of the more powerful sovereign states. ‘Global statehood’ then, refers to a ‘global centre’ of state power and ‘global layers of state’: it has transformed argues Shaw, both the social relations of particular states and the social relations of interstate warfare.⁴⁰ Beyond its particular relations with other states, the global layer of state has four main elements; ‘global political power and legitimate force; global legal institutions including means of enforcement; global economic, environmental and social institutions; and a global ideological framework’.⁴¹ This multidimensional layer possesses considerable institutional autonomy, albeit largely dependent upon informational and financial resourcing by Western conglomerate institutions.

Intervention, Sovereignty and State in Globality.

In approaching sovereignty and intervention after the Cold War, Shaw notes that, at the beginning of the Twentieth Century, the global competition of ‘nation-state-empires’ saw increased dominance of social relations by states. A principal means for this was ‘state intervention’ in economic and social matters, expanding states’ domestic role and thereby ‘the institutional forms of state power’. This domestic process however, was largely driven by interstate rivalry. Ability to deploy their expanding industrial capacity for total war meant ‘the two sides of state relations, national (or domestic) and international (war)

resolution by intervening powers).

⁴⁰ Ibid, p. 220.

⁴¹ Ibid, p. 215.

became increasingly linked in their expansion [...]'.⁴² Intimately connected, internal state consolidation and sharper, more rivalrous interstate relations created the conditions for international military intervention in the traditional sense. Sharply differentiated nation-states intervened into each other's territory, effecting political change or influencing conflicts between and within other states. The meanings of 'state intervention' in domestic spheres and 'international intervention', for Shaw, thus rest upon a significant commonality. Both refer to a breaching of the apparent boundaries of state power — internal/social and external/territorial — beyond which its exercise constituted 'intervention' as an exception. Paradoxically, he observes, both types of 'exception' were exercises in 'authoritative control and exercise of violence': the state's essential, definitive (and thus decidedly unexceptional) sphere of social relations.

The Cold War, he continues, served to problematise this traditional, territorial definition of intervention since "[i]ntervention" by internationalized state organizations in member states was in an important sense an intervention of one layer in another layer, rather than of one state centre in another centre'.⁴³ Similarly, 'state intervention' in domestic spheres began to lose its meaning as social and economic matters became increasingly managed through different — international — layers of authoritative control.

Thus:

'[...] the core meaning of intervention is modified. As the state became more internationalized, so the state's domestic role lost not only its classic interventionary but also its historic national character. This old meaning remained [only] in relations between distinct centres of power [...]'.⁴⁴

The emergence of 'a common world social space' after 1989, for Shaw, renders this already

⁴² Ibid, p. 221.

⁴³ Ibid, p. 223.

modified meaning even more problematic. Norms of ‘global commonality’ make many issues cast historically in terms of international relations considerably closer to law-governed, domestic affairs. Thus, in its traditional sense: ‘[...] intervention [...] is no longer possible, since there is no simple internal-external division to breach’. Intervention becomes that of ‘one layer of state power, or of complementary components of the same layer in another’. The political and material dependence of global state power on the Western conglomerate however, means its enforcement has tended to operate through projection of Western military power: its intervention in other layers or centres of state.

Echoing Cynthia Weber’s account of intervention’s constitutive function, Shaw points out that: ‘[g]lobal state action becomes part of the reproduction both of all forms of state power, and indeed of society itself, on a world scale’.⁴⁵ Like Weber, he attends to the manner in which intervention practice transforms the meaning of sovereignty. ‘The changing conditions of sovereignty’, for Shaw, contrasts state power in globality with ‘conventional, juridically defined states’. There is, he concludes:

‘[...] a growing, general gap between conventional international legal criteria of statehood — recognition by other states, membership of the United Nations — and the real definition of centres of state power’.⁴⁶

While ‘intrinsic weakness’ and incorporation into the Western conglomerate means ‘most internationally recognized entities fail the test of statehood’, conventional legal and political elements of statehood remain important. Sovereign recognition marks the objective and conclusion of many contemporary political struggles: the means for nascent polities to achieve a greater measure of independence and security through incorporation

⁴⁴ Ibid. p. 223-224.

⁴⁵ Ibid. p. 225.

⁴⁶ Ibid, p. 226.

within larger state structures. The transformation of sovereignty therefore, importantly consists in its redefinition as a means of integration. Intervention, as the disciplinary realisation of the political foundations of sovereignty, by extension, is a primary modality for such integration.

5.4. Subjectification, Intervention and the Expropriation of Conflict in Globality.

Taken alongside the account of juridification in international relations offered above, Martin Shaw's account of the transformation of state relations after the Cold War permits a further approach to the subject of intervention. For Habermas, juridification, as a re-regulating expansion of law, was the juridical realisation and recognition of a transformation in the social relations of state. The 'epochal shifts' marked by consecutive 'thrusts' of juridification represented systemic change across European states and 'social spheres' within them. We might note now, how the emergence of the global state and the associated transformation of state relations have similarly been accompanied by and operated through a complex, global transformation of law across states. We have seen also how an array of social relations within states, particularly those that produce conflict, have become subject to intervention. The result of this transformation (as Shaw observes of the global state) is not a simple centralisation, but rather a new coordination of relations of authority. Insofar as this coordination, both legal and political, has been an attempt to regulate conflict globally, its central dynamic has arguably been a global expropriation of conflict. While obviously indicative of the emergence of a global layer of state — particularly when state is defined as authoritative control of violence — this raises an array of questions about how contemporary conflict is understood and the political struggle to impose authoritative meaning upon, to codify, war. Attempting to describe how global state relations bear upon

the meaning of war and the kind of political contestations this might imply takes us beyond the scope of the current analysis. Its effect upon our central question though, should be noted and considered in reference to the wider analyses offered above in order that some further conceptual frameworks and lines of enquiry might be suggested.

Totality, Intervention and the Codification of War.

The global state is, as Shaw suggests, increasingly generative of political relations between itself and other states and the manner in which other states relate amongst themselves. It remains, however, only one source of power and meaning in contemporary global politics. ‘Globality’, which Shaw associates in the first instance with a ‘new social meaning’ — an increasingly determinate ‘common consciousness of human society on a world scale’ — being in no sense limited to the global state and the kind of order it has pursued. The reproduction of global state power is, however, significantly realised through authoritative invocation of globality: of human totality on a global scale.

Referring back to the last chapter, we might recall how the idea of the global involved a relation to human totality that, while requiring the invocation of common humanity, is not itself common. Rather, it is a source and a site of difference and contestation: the invocation of human totality is not merely rhetorical but rather plays into local sites of antagonism in ways that effect both their internal meanings and the relations between them. The global as common social space is contested not least because it offers the possibility of the authoritative interlinking of particular sites of antagonism through which state-like power can be exerted or contested. Invocation of commonality might thus be described as an expropriative abstraction of local plays of power and the relations between them. Sites of strategic antagonism that, as Foucault argues, are to be approached

in their particularity — and importantly, mark the sites of subjectification itself — are now contested, perhaps as never before, in reference to their relations with other sites of conflict. The challenge for an analysis of subjectivity in globality then is to describe how particular, subjectivising sites of antagonism function as both nodal points within and sources of realisation for, wider globalizing processes. We shall return to this toward the end of the chapter.

A range of interventionary strategies employed since the end of the Cold War — whether directly coercive and military or mediatory and diplomatic in nature — can thus be fruitfully presented as forms political expropriation. For those seeking to champion the global layer of state, violence has to be, to a significant degree, the subject of an exclusive claim to competence on the part of global state agencies: a sustained, substantive and (above all) authoritative relation to violence must thus be pursued globally. The relation between the global state and the multiple sites of violence that emerged after 1989 has in this sense been an expropriative declaration of authoritative responsibility. Problematic, equivocal and subject to retrenchment, the political credibility and legitimacy of global state authority can thus be measured in reference to its capacity to intervene successfully into conflict. The disciplinary realisation of political foundations through intervention is thus accompanied by, coextensive with, an authoritative claim about the meaning of violence; intervention to decide the course of conflict elsewhere requires a simultaneous legitimation and de-legitimation of violence, announcing the grounds for judgement about its use: both through negating the grounds on which others have resorted to force and asserting the legitimacy of the violence of intervention itself. This though, necessitates the abstraction of particular sites of strategic antagonism, an authoritative negation of the more

immediate dynamic that has brought about and sustained them. The question remains though, as to the meaning and effect of such an effort across particular sites of antagonism.

5.5. Intervention as a Subjective Complex: Analytical Strategies and Potential Lines of Enquiry.

The idea of intervention as subjectification rests upon two claims. The first is purely formal; the re-ordering of power (the re-totalisation of totality) through intervention has subjective effects and these are an important object of analysis. The second claim is more substantial; that contemporary intervention does not merely conceptually entail subjective effects, but rather has *assumed, operated through and deliberately sought them*. By way of an initial formulation: the subject(ive) is the object(ive) of intervention. A Foucauldian caveat (the importance of which will become apparent) is that the relation of ‘targeting’ — the sense in which the subject is objectivised as the ‘objective’ — is not one of subjective passivity. Rather, it is a relation very much entailing the ‘complex and circular’ dynamics, the powers of subjective excess, identified by Foucault and Levinas: it is not one in which some subjects receive, as if merely a site of realisation, the effects of the power exercised by others. The act of expropriation — the abstraction of conflict whereby its meaning is re-rendered and re-codified through interventionary power — plays into the field of strategic antagonism to redefine it in ways that are subject to — for example — resistance, cooption, elision and approval. Intervention is constitutive of the subject as the site of power. The event of intervention is one presuming, calling into being and operating through a subjective complex: *a constellation of distinctive subject positions and relations among those engaged in, as well as those subject to, intervention*. At the risk of going beyond the bounds of the current enquiry, which seeks only to identify the conceptual basis for a more specific analysis, we will consider two possible examples of subject-centred analysis. The

first identifies the military-pastoral nexus as a subjective complex and some of the questions and contradictions deriving from it, the second, the idea of subjective strategisation on the basis of external declarations of responsibility.

Military-Pastoral Nexus.

The formidable interplay of social, economic and political disintegration in multiple sites internationally during the 1990s required intervention by a broad array of state and international governmental agencies. Combined to meet new contingencies, the roles of these agencies and the relationships between them became redefined. Underpinning this transformation was a 'politics of emergency', a 'fire-brigade' style engagement with successive 'complex emergencies' requiring the coordination of civil, military, governmental and non-governmental agencies.⁴⁷

An important effect of this, has been a radical change in the possibilities for and the political character of humanitarianism: an evaporation of the politically 'neutral' space in which, during the Cold War, humanitarian NGOs were able to operate. The coordination of aid and relief, rather than an effort to function 'between' and offset the worst effects of East-West conflict, became co-opted within the development rationality of global liberal governance. This coupling of development and security issued in a transformation of roles, not just for NGO workers, who came to resemble and think like politicians and bureaucrats, but also for the military who were increasingly required to function as 'mediators and

⁴⁷ See Julian Reid and Michael Dillon, 'Global Governance, Liberal Peace and Complex Emergency', *Alternatives* Vol. 25 (2000) also Mark Duffield, *Global Governance and the New Wars: The Merging of Development and Security* (London: Zed Books, 2001). Dillon and Reid note how the relation between these complex emergencies and the need for adequate interventionary response led to specific and novel governmental 'complexes'. The political and technical context for these transformative combinations they term 'global liberal governance', distinguished by an ideologically driven emphasis upon international development acting in combination with geopolitical military and economic institutions and interests.

pacifiers'.⁴⁸ Deploying and extending Foucault's categorisations of modern power, we can identify the degree to which intervention has come to centre upon a *military-pastoral nexus*, in which the warfighting capabilities of the military are coupled with a duty of care.

A line of enquiry thus emerges. Central to it, is the question of the subjective techniques developed by civilian and military interveners in order to both operate effectively and cope with the political and ethical problematisation of their roles by the new environment. How has the 'humanitarian' science of biological provision, whereby subjects are objectively rendered through an index of bodily needs, been combined with a military-strategic science presuming an array of other subjective capacities? The field in which the military-pastoral nexus is required to operate involves an essentially unprecedented combination of dividing practices: the friend/enemy distinction around which military subjectivity traditionally functions combining in new ways with the explicitly 'neutral' stance of humanitarian interveners. What then, can be said of the subjective complex at the heart of military-pastoral nexus? By what principles of division does it describe and operate amongst those into whom it intervenes? What can be said of the dispositions of self it assumes and produces within its combinations of intervening agencies? How can a new interventionary science bringing together warfighting, humanitarian provision and state building negotiate the political paradoxes and contradictions upon which it apparently rests? Finally, how best to trace the subjective effects of these contradictions: the political dimensions of which are barely addressed by the difficult distinctions (in both doctrine and practice) between provision of aid, 'peacekeeping', 'peace-enforcement' and warfighting?

⁴⁸ Ibid. p.122.

Resistance, Elision, Co-option: Strategising on the Basis of Global State Responsibility.

We have seen how intervention can be understood as an expropriation of conflict in which, through legal abstraction for example, authoritative claims about legitimate and illegitimate violence are made. We have suggested also how this realm of abstraction — central to which are ideas of human totality (increasingly expressed as ‘the global’) — is a site of contestation. What remains to be described though — a line of enquiry that can only be indicated here — is the manner in which this site of contested meaning realises itself as subjective effects: plays into and becomes utilised within other sites of antagonism, arguably to be transformed in the process.

The rise of interventionary order making, for example, assumes the transformative efficacy of a combination of principled, authoritative claims to legitimate violence and the will to project power. How sustainable is this assumption? To what extent, for example, do declarations of responsibility on the part of the global state or elements of the Western conglomerate become the basis on which antagonists strategise in order to achieve local effects? While the exercise of interventionary power has produced subjective resistance and elision, it has also become a field of subjective co-option in the sense that intervention from ‘outside’ has the potential to play favourably for particular factions at ‘local’ level. In their resistance to Serbian control after the dissolution of Kosovo’s autonomy, for example, the central strategic objective of the Kosova Liberation Army (KLA) was precisely to achieve Western intervention. Initially using Internet sites to publicise their cause, the military strategy adopted toward Serb security forces was one of ‘provocation’ with the intent of causing an excessively violent response in which Kosova’s civilian population

would be caught up.⁴⁹ Their success in this endeavour raises a number of interesting points; whether it was the Serb's intention to deploy the same genocidal strategy they had against Eastern Bosnia's Muslims became a moot point: what was important was that it appeared that way. Recalling Shaw's observation as to how, with the emergence of the global state, much of the meaning of 'intervention' is lost, the KLA's strategy was fundamentally based on the assumption of their own subjecthood (and that of the Serbs) to global state power. What was important was to create conditions in which this subjecthood became effective in the desired manner. The meaning and utility of this subjecthood, for the KLA, lay in their being made subjects of intervention: subjects of an authoritative expropriation.

Beyond the disruption of the formal determinations of 'inside' and 'outside' underpinning the traditional meaning of intervention then, its association with externally administered resolution of conflict is also problematised. In the lead up to and during the Kosovo crisis, global state power was not 'introduced' from outside but had been fundamentally implicated in the organisation and outcome of 'local' strategic antagonisms from early on. The constitution of 'local' struggle already had a significant global dimension. To what extent then, does assertion of an interventionary world order resting upon a declared obligation to intervene in local struggles not annul their potential for violence, but rather transform the manner in which that violence manifests itself? How, moreover, can this 'misfire' of intent and assumption, be understood in subjective terms?

⁴⁹ This was stated succinctly by KLA commander 'Remi' when interviewed for a BBC documentary: 'We didn't have the firepower to carry out any major actions. But it was easy to provoke the Serbs. We did it by just using snipers. Our aim was to get Nato to intervene as soon as possible'. *The Fall of Milosevic*, BBC2,

5.6. The Interventionary Gaze and Intervention as a Constitutive Circuit.

As a subjective complex then, it is possible to analyse intervention through the combination of subjective dispositions it realises and projects: the assembly of governmental, non-governmental and military agents recruited to intervene. The specific practices, modes of conduct, ethical and political dispositions — *subjective techniques* — of these interveners can be analysed as an expression of new governmental forms, forms of subjectivising power. This however, remains formal and at best partial, since the *event* of intervention consists in the mobilisation of these techniques in a way that realises itself — through an array of relational forms: objectivisations, co-options, coercions, bargainings etc — in relation to the conduct and comportment of ‘target’ subjects. It consists in the realisation of different subjective techniques, dispositions of self and dividing practices within and amongst those subject to intervention. As we have seen though, the effort for realisation is exceeded, problematised and frequently re-defined in the relational circuits that emerge between those intervening and those subject to intervention. The idea of intervention that emerges then, is not that of an extension of force to realise a given end — as though intervention were a cattle-prod extended from ‘here’ to ‘there’ and realising some predictable result — but more like a mutually constitutive relation. It is a relation moreover, in which the meanings of ‘here’ and ‘there’ (amongst others) become altered. While the projection of interventionary power necessarily presumes relations of determinacy, subject positions that might be satisfactorily altered through the exercise of power, the analytical framework offered here situates this presumption — the expropriative interventionary gaze — within an altogether more dynamic set of relations.

As an analytical device, the idea of the interventionary gaze is thus accompanied by an

array of questions. Broadly, how does each instance of contemporary interventionary power thematise — conceptually divide — its target? By which practices is it constituted? How are the military-pastoral objectivising practices — quantifications of subjects' material needs, likely dispositions toward self and other, susceptibility to re-subjectification under global state governance — altered by and mobilised in the event of intervention? Most importantly though, how is their problematisation by the subjective excess of the subjects of intervention understood? How is this relation realised and re-realised within the interventionary gaze? These questions are at the heart of the analytical framework offered here. They inform its central focus: the relation between the objectivising, abstractive projections and subjectivising effects of interventionary power and how they are elided, exceeded and co-opted in the event of intervention.

The Interventionary Imaginary.

These suggestions as to how intervention might be described as a subjective complex both extend from the contention that interventionary discourse — the play of relations between ideas and practices — has practical consequences and conceptual ambiguities beyond its declaratory mobilisation by state power. They extend also from the claim that the subject and subjectivisation are important sites in which these consequences and ambiguities are both manifested and, potentially, to be understood. The analytical framework offered above suggests a need to attend to the wider effects of intervention on social and political imagination, and in particular the ways in which those effects have been realised subjectively.

Intervention then, stands not simply as the means by which the structures and governmental strategies of states are re-ordered, but also bears upon the constitution of 'the

global'. Shaw's original formulation emphasised a 'common consciousness of human society on a world scale'. His argument brings forth, in reference to relations of state and the global democratic movement, the manner in which the global is now establishing constitutive primacy over particular 'tribes, civilizations, nations [and] religious communities'. The 'complex' and 'overlapping' relations that exist between particular social formations — the relation between the global state and 'globality' as a multitude of social and political processes — provide the context in which contemporary intervention is to be understood. Indeed, the 'new interventionism' increasingly stands as an expression — the most forceful and direct — of the constitutive primacy of the global, for which global 'humanity' is a central theme. As a *constitutive circuit*, intervention is realised globally: its political horizon globality, its subjective effect a reconstitution of totality. The interventionary imaginary that expropriates and re-codifies war goes beyond those who conduct the new intervention and seek to promote global state power. It becomes realised in subjective relations toward alterity in the populations of intervening states and elsewhere: relayed — through media-borne images, narratives of communal collapse, legitimate and illegitimate violence and interventionary re-ordering — across global circuits to be realised in popular imagination. Communal relations in Western states become altered. (The vocabulary of 'ethnic cleansing', for example, emerging continually during the race riots that took place in the North of England in the Summer of 2001). Many subjects of intervention meanwhile, displaced and unable to return, have been forced to join the global human flows and seek asylum: escaping those societies intervention sought to secure to seek the security of intervening states. Their presence in Western countries provides evidence of the new networks of military and pastoral power, of the complex re-

working of authority of which the new interventionism is both an expression and extension. There is a need therefore, to understand intervention beyond its being a unidirectional projection of power: it is rather an event effecting transformations of meaning well beyond its immediate sphere of interest. A globalizing process, it marks out the terms in which contemporary conflict is rendered meaningful. War, perhaps as never before, has been subject to governmentalising, juridifying codifications whereby interventionary power has problematised, shaped and represented it anew. Indeed, what emerges in provisional fashion is the centrality of intervention as the site *par excellence* in which the many constitutive relations — social, cultural, economic, technological — of ‘globality’ coincide with the violent determinations of political authority and state relations. It is expansive constitutive power that arguably, has driven the expansive and extraordinary range of the intervention literature on which the opening pages of this thesis commented.

Conclusion: The Subject of Intervention as an Analytical Disposition.

The limits of the current enquiry now begin to emerge, and its primary task — the conceptual work of introducing and elaborating the question of the subject of intervention — begins to reach a conclusion. At this point, a wholly different kind of analysis becomes necessary: one attending in detail to the specific strategic antagonisms, the particular plays of power and resistance brought about by the new intervention. The work done thus far can provide only a theoretical orientation for such research. It is now possible, however, to say much about how intervention can be analysed as an idea, event and a practice in which subjectivities are assumed, contested and realised and about the global context in which this happened after the Cold War. We have seen how, in close connection with its demarcation of legitimate and illegitimate violence, intervention simultaneously assumes and defines

relations of interiority and exteriority. An assembly of dividing practices *par excellence*, the interventionary breaching of borders defines and redefines them — formally and informally, juridically and as a matter of discipline — through the articulation of their conditionality. The distinctive subjecthood of borders comes to be invoked in its inextricable relation to the political foundations and subjective life within and increasingly, across them. This disposition toward borders — thresholds — is always expressive of political foundations in a wider sense: mobilising the particular identities, histories and dividing practices through which subjective life is negotiated. They mark the invocation of a totality, a reductive disposition to alterity in which the enemy finds its place and which intervention might seek to interrupt, *retotalise*. This interruption is intended toward the subjective uptake of particular totalities, to bring into question and forcefully arrest the particular thematisations of the Other that inform and dispose subjects to violence. In this sense, intervention has been undertaken for the sake of a *recomportment toward alterity*, a new set of dividing practices that bring into question — interrupt the comprehensive relations inhering to — subjective comportments toward same and other. The friend/enemy distinction inherent to these dividing practices though, as suggested above in chapter 3, is not erased but rather resituated. The comportment toward alterity inherent to a given totality may be interrupted, but the resulting re-articulation of totality and alterity, the always political point of jointure between same and other, remains one in which a politics of enmity is always a possibility. Like all relations of subjectivisation though, the re-situation of the relation of enmity (always taking place within a site of strategic antagonism) has shown itself liable to co-option, elision and resistance.

Two important and related points follow from this. The first (to return to that

described above as a definitive and determinate theme within intervention discourse) concerns 'the threshold'. The idea that the subjective is the objective of intervention, that the 'target' is a particular totality to be interrupted and re-disposed — retotalised in its relation to alterity — requires that the threshold be understood in subjective terms. It raises the question of the way in which it is subjective disposition and practice that traverses the threshold, which brings about an interventionary response itself both operating through subjective mobilisation and intended toward subjective effect. This, in turn raises the further question as to the limits of a subject centred account.

The second point leads on from this. If the increased pertinence of the subjective as the threshold for (and target of) intervention derives in part from the retreat of the sovereign state as a definitive political body — is an effect of 'domesticating' globality — then the subject of intervention needs to be understood in global terms. Beyond being a subjective complex requiring novel subjective conducts amongst interveners and realising itself as subjective effects, the event of intervention takes place in a far wider relational context: the violent complex emergencies in the former Yugoslavia and elsewhere being, as Martin Shaw puts it, 'global political crises'. The rise of more determinate forms of globality — both articulated and contested in global state relations — thus combines with the trajectory of modern governance identified by Foucault. Oriented toward the conduct of populations, of subjective life realised in techniques of self, the interventionary modality of global governance has the global as its political horizon. The constitutive relations between subjects of intervention reaches beyond those directly involved to raise the question of a wider determinacy; it is possible to trace the manner in which interventionary threshold-setting has, in globality, centred upon subjective conduct toward the meaning of

violence and disposition to alterity in particular. Following Foucault however, it is important to recognise that the problematics of government emerge not simply through populations' assumption of subjective techniques and the dividing practices of state power, but in multiple sites of resistance and strategic antagonism. State and subject coexist in complex, circular relations as subjects not only reflexively contest subjectification but also (following Levinas) are always (infinitely) other-to and in excess of it. This excess, which Foucault identifies as the 'freedom' both presumed by and the necessary condition of governmentality, generates the particularity of subjective conduct and constitutes the shifting horizon, what he termed the 'changing shape of the thinkable', for political power.

THE SUBJECT OF INTERVENTION: CONCLUSION.

It is perhaps tempting when observing post-interventionary states to see the agencies of governmental and social reconstruction — of social security and pastoral care — as contemporary missionaries walking in the footsteps of the new conquistadors. As though, like their European forebears, their task is to carefully minister to new imperial subjects and through ministry *make sense* of subjection from without. This view at least has the merit of foregrounding the subjective redispersions that accompany the interventionary transformation of social and political life. Where it most notably slips — fails to do descriptive justice — however, is in its assumption of radical distinctions of subjective interiority and exteriority. Where the conquistadors met and subjected civilisations profoundly other to themselves — socially, politically, cosmologically — the new interventionism has proceeded amongst peoples for whom the formal apparatuses of power, the organising principles of communal life of the societies from which intervention has proceeded are immediately recognisable. The subjects of new intervention have been citizens of nations and states — subjects of modern institutions and laws — though for many this affiliation has been violently problematic. They are members of a late-modern political culture for whom life takes place within a global political cartography, a human totality, in which no space remains unmapped or formally ungoverned. In this sense, as subjects of political modernity, they were never exterior: what was at stake was the manner of their subjecthood. As subjects of intervention then, they have not been ‘made global’ but rather made differently so: subjectifying relations of authority reconfiguring through new and increasingly networked relations of power. What the new interventions have introduced is a complex of dividing practices assuming, projecting and seeking to realise strategies of subjective re-disposal and differentiation within a space that is already

mapped, the formal coordinates of which are perhaps more familiar, more totalizing than ever before. Suggested above though, is that this familiarity, this totalisation, finds its limits as subjectification: that as an exercise of power its subjective effects may exceed and place it in question.

The Importance of the Subject of Intervention.

Modernity's globalizing political cartography and the terms in which it has been understood and operationalised — terms of interiority and exteriority such as empire, state, bloc and colonial possession — has been a site of continual transformation. The meaning of the global, and with it that of human totality, have been re-contested and re-rendered as a play of force in which subjects are required to define and position themselves. Global state power is exerted within a global world just as, as Habermas observed, juridification takes place within social spheres 'already constituted by law'. Thus, accepting Martin Shaw's provocation as to the need to reconstitute the central concepts of social science in global terms (and extending it to include moral and political philosophy) we identified the difficult but vital question of *the subject in globality*. This conjunction of globality and subjectivity acutely foregrounds the simultaneous European origin and colonialising global history of the subject as a concept. It is this that turns us to the 'post humanism' of Levinas and Foucault, to the European tradition at perhaps its most reflexive and most resistant to the violence of a determinate account of subjectivity. This appearance of *the global in the subject* foregrounds subjectivity as, in Levinas's words, otherwise than being, or beyond essence. A subject that — in appearing not as an essence but rather in the assumption and production of essence — paradoxically emerges only in a violent, worldly and totalising play of power. This subject, defined in the play of thematisation and resistance then,

appears most sharply, most radically in its potential and limitation, where power is exercised most specifically and deliberately: where subjectivising force produces the greatest struggle to reify, elide, co-opt and resist. It is this account of the subject — as origin and consequence of a play of power, as that which emerges in the thematisation of alterity — that, in considering the challenge of globality, foregrounds the subject of intervention.

To grasp subjectivity in globality (or any other context) is to seek it in its particularity, in the sites where it is assumed, contested and realised. Intervention discourse is where globality and subjectification are most closely and forcefully articulated, the interventionary projection of military power perhaps the most unambiguous form of contemporary re-totalisation and where the subject in its global meaning is most contested. If globality has become the horizon concept for human meaning — and if we are willing to retain the subject as a core notion through which meaning is worked out — then the question of subject of intervention becomes necessary.

Subjectivisation and the Intersubjective.

The central task of this thesis has been, in the first instance, to establish the importance of this question and secondly to — at least provisionally — categorise and discuss some of its central elements. The opening chapter attended to how intervention (and for that matter the subject) is largely present by its absence in the canonical texts of the IR tradition. Some of the consequences of this were noted: the manner in which intervention becomes part of a supplementary discourse that informs and renews that of sovereignty and relations between sovereigns. Cynthia Weber's work highlighted some of the political consequences of this and re-worked the relation between sovereignty and intervention to show the latter's

constitutive, disciplinary character. This departure from intervention as an abnormal or extraordinary breach in the ‘normal pattern’ of international politics re-merged in the discussion of intervention as a moral problem. Where communitarian and liberal accounts centred upon a pre-decided subject, engagement with David Campbell’s work illustrated the extent to which intervention itself takes the form of decision. Even when founded upon a deconstruction, this decision, it was argued, introduces a determinate account of subjectivity and the possibility of an enemy in alterity. Rather than a ‘failure’ on Campbell’s part, the violent necessity of intervention as subjectivisation proved instructive, a point of orientation for the remaining analysis and moreover, something arguably continuous with Levinas’s observations on politics.

The paradoxical tension between the subject as an Other whose alterity exceeds its subjectification and the idea of intervention as a determination of subjectivities was reconciled in part through attention to Foucault’s work. Here again, the subject was presented as a site of resistance, but this time as one whose subjecthood derived from a specific and always situated play of power. While intervention was understandable as a strategic, interventionary assumption and mobilisation of subject positions, it equally involved the complex circularities deriving from subjective counter or co-strategy. It was this complex of strategic antagonisms that provided the interpretive template with which to approach contemporary totality: the multiple and contested fields of global politics. Three broad approaches — transnational governance, globalisation of law and the re-making of state relations — were described as analytical context for the subject of intervention. Each provided a means to contextualise and further account for contemporary intervention and illustrate some of the structural forces, political stakes and subjectivising dynamics

involved. What emerged was first, the idea of intervention as an expropriation of conflict: an idea deriving from the theory of juridification and implying the political ambiguities — the tension between social security and the securing of the social — Habermas and others have associated with it. It was suggested that a new multiplicity of regulative strategies are creating an unprecedented global governmentalisation of previously more distinct social spheres. A line of questioning thus emerges about the re-making of social spheres through the globalization of law and the relation between the emerging global legal complex and new interventionary practices. Another conclusion was reached as to the necessity of an authoritative relation to violence for global state power: a contestation over the meaning, definition and legitimation of war significantly worked out through intervention discourse. How then, to understand the subjectivities of interveners and targets in the context of an appropriation of particular struggles? How might the abstractive strategies involved bear upon the subject of intervention?

A second conceptual framework that emerged was the notion of intervention as a subjective complex: a combination of particular subjective modes centring, in the new intervention, upon a military-pastoral nexus. This provided both a means to conceptually divide subject positions mobilised in intervention and to foreground the political and ethical negotiations required of those subjects in order that they might play their roles. A further question was raised regarding the ways in which such positions assumed and required specific relations to one another: an intersubjective field between interveners and targets. Another related line of enquiry emerged regarding the relation between declarations of interventionary intent — for example by the global state — and the kind of strategies undertaken by subjects involved in conflicts. A question was raised as to how a generalised

declaration of interventionary order-making might, rather than preventing conflict, in the first instance change the manner in which it is conducted.

A third conclusion concerned the interventionary relationship itself. In place of the traditional conception of a projection of power oriented toward a specific end, the interventionary relationship was presented as a constitutive circuit in which subjective effects were realised in intervening and target populations. This relationship though, it was argued, does not exhaust the fields in which the constitutive function of intervention is realised; neither is intervention determinate solely within the disciplinary grid of relations between sovereigns. Rather, a question emerges as to the wider social consequences of intervention: the manner in which it is constitutive for the global as a subjectivising discourse and thereby the subject in globality. Here though, the meaning of specific interventions across the multiple and distinct social fields of global humanity must be addressed: a conceptual challenge requiring a different kind of analytical focus.

These concluding frameworks, in providing orientations toward further research, focus upon intervention as subjectification — with all that implies in terms, as we have seen, of conceptual misfire and subjective counter-strategy. What is perhaps evident in reviewing them, however, is the degree to which that targeted and contested is not subjectivity as reflexive relation of self-definition, but rather subjectivity as a comportment toward alterity. What is transformed is the self in its relation to the Other, the neighbour and — as Levinas reminds us — the neighbour of the Other. Intervention arguably then, seeks to realise strategies of inter-subjectivisation: pursues and seeks to shape a profoundly political array of intersubjective comportments to which war — enmity — and the thematisation of the Other are central as a target for appropriation and the realisation of a

relation of authority. What, we might ask are the political consequences of a world in which relations of same and other are so extensively policed?

The Subject of Intervention in Global Political Context.

There is then, no subject of intervention outside the complex and specific assemblage of subject positions which intervention realises and into which it intervenes. These, as we have seen, are the site of contested and antagonistic claims to subjective attachment or — as Simon Critchley might say — approval. A final and important set of questions emerge then, as to the exact content of that which the West and by association (albeit now an uneasy one) the global state offer for subjective approval. We might begin by noting the extent to which this relation of subjective approval is absent from intervention ethics as they were described in chapter 2. There is in liberal argument, for example, an assumption that subjects of intervention will approve the introduction of liberal norms just as surely they are assumed to be liberal subjects to begin with. While as Shaw makes clear it is possible to identify a global *state*, a global *social contract* involving such an approval — less still a sense of ownership or a reflection of self — appears a far more difficult entity to describe.

What has emerged in globality is arguably a crisis of the contractarian subject, in relation to which intervention might be understood as an attempt at realise an increasingly problematic subjective relation to just polity. While, as Shaw observes, ideas of democracy now have an historically unprecedented reach globally, it seems appropriate to ask whether this has been accompanied by concurrent ‘thinning’ of democratic politics. The kind of crisis in legitimate political authority we might associate with the complex emergencies into which intervention has proceeded is not, it might be observed, limited to them. The

creation of an interventionary order whose assumption is its own capacity to realise democratic peace has been accompanied, ironically, by a crisis in oppositional democracy which perhaps highlights the darker aspect of intervention as a constitutive circuit. What effect does a constitutive relation to sites of violent authoritarianism have upon Western democracies? How might this effect be described? Is evident superiority in humane governance and democratic accountability to such sites of political failure the only measure against which Western societies might compare themselves and imagine their social futures? The relation between the interventionary imaginary and the political imaginary as such — a relation central to the idea of intervention as a constitutive circuit — is one requiring further analysis.

This line of questioning returns us to that of the relationship, mentioned in the introduction, between this thesis as an analysis of post-Cold War interventionism and those projections of military force and relations of violence which have followed the attacks of September 11th 2001. While some caution might be called for in applying Foucault's (rather glib) formulation 'history of the present' to the above analysis, it might prove useful to do so. For Foucault, such an approach centred upon two analytical strategies, which he termed 'archaeology' and 'genealogy'. The former involved an archival excavation of the subjective comportments, political and epistemic foundations and types of authority that typified and permitted the functioning of historical configurations of power. What remains in the archive is, in a sense, a 'monument': the symbolic order and social determinacy surrounding which must be described. The monumental order excavated in an archaeology has two main functions: it allows an insight into how an historical order operated and it serves to illuminate the monumental character of the present order. A genealogy of the

present meanwhile, shows the historic and contingent development of that which, reified, appears immutable and immovable to us now, just as monumental orders have done historically.

The work of presenting humanitarian intervention as ‘monumental’, as the subject of an archaeology, is perhaps premature: but, to be sure, it is presently being transformed in ways that could not have been foreseen. With the recent bombing of the UN offices in Baghdad, the contradictions of the military-pastoral nexus are now emerging with a tragic and violent clarity. The association of the interventionary NGO sector in general with Western and Global state power has apparently been so complete that those who seek to contest it have made them legitimate objects of violence. The wider networking of this contestation perhaps marks the final moment of that particular hybrid form of power. Its next manifestation can only be guessed at. What appears to be the case though, is that the subject of humanitarian intervention — the ‘human’ assumed therein — has without doubt become the site of political contestation where, before, it was understood to occupy a space beyond the play of totalisation: a space defined largely in terms of an ethical regard. In a sense then, the specific and present relation between totality and infinity can be seen to have shifted, and the nature of this shift is one the work above might help to describe. In attending to this changing play of power however, the violent contestation of legitimation for — and claim to authoritative control of — violence, we might recall Levinas’s observations on subjects in war as ‘beings cast in motion’: their continuity interrupted, playing roles in which they no longer recognise themselves, forced to betray their self-understanding and their relation to others within an order from which no one can keep their distance. With the networking of local political antagonisms into a far wider global crises,

“keeping ones’ distance” appears to be increasingly hard to achieve, as the developing domestic security agendas of many Western states attest. In time, the ‘new interventionism’ may appear either as part of a monumental order or, alternatively, one genealogically essential to understanding a future global political problematic. One analytical focus for making such a distinction though, may be the political transformation of the subject of intervention.

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